



DEMANDS OF JUSTICE AND COMING TO TERMS WITH  
THE PAST IN THE POST-CONFLICT PERIOD

# **NOTHING IN ITS RIGHT PLACE**

Nesrin UÇARLAR

English Translation: Justyna Szewczyk

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**DISA PUBLICATIONS**

DIYARBAKIR INSTITUTE FOR POLITICAL AND SOCIAL RESEARCH  
(DISA)

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**Page Layout:** Şendoğan Yazıcı

**Cover Photo:** Ubeydullah Hakan

**Printing:** MATSİS MATBAA SİSTEMLERİ - Tevfikbey Mah. Dr. Ali Demir Cad.

No: 51 Sefaköy / İSTANBUL Tel: 0212 624 21 11

**First Edition:** İstanbul, June 2015

**ISBN:** 978-605-5458-25-6

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**DİYARBAKIR SİYASAL VE SOSYAL  
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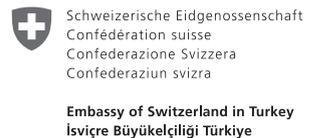
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This report entitled “**Nothing in its Right Place” Demands of Justice and Coming to Terms with the Past in the Post-conflict Period** has been prepared as a part of the Restorative Justice and Peace Building research program by Diyarbakır Institute for Political and Social Research (DİSA) with the financial support of the CHREST Foundation, The Heinrich Böll Stiftung Association in Turkey, CHARLES MOTT Foundation as well as The SWISS Embassy in Turkey. The views expressed in this report do not necessarily represent the views of DİSA or the CHREST and MOTT Foundation or the Heinrich Böll Stiftung Association or the Swiss Embassy.

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with the contributions of



## ACKNOWLEDGEMENTS

We would like to sincerely thank İshak Dursun for his preparatory field work he has conducted before the families, without which the field study would not be feasible; Berivan Alagöz for her efficient and dedicated contribution as junior field researcher; Ubeydullah Hakan for his technical assistance during the field work.

We would also like to thank Nihali Ayribir and Aydın Bolkan in addition to Berivan and İshak for their involvement in transcription of the interviews.

Özgür Sevgi Göral from the Justice and Memory Center; Professors Nazan Üstündağ, Şemsa Özar and Bülent Küçük as academics from the Bosphorus University; Semahat Sevim from Heinrich Böll Stiftung Association; Ayşe İclal Küçükkirca from Mardin Artuklu University; Hüsnü Yılmaz as representative of the European Federation of Lawyers for Democracy and Human Rights; Cihan Aydın from the Diyarbakır Barr Association; Mehdi Perinçek as former vice-president of Human Rights Association in charge of human rights violations in engagement area; Hulusi Zeybel from Human Rights Association İstanbul Branch; Murat Aba from the Human Rights Foundation; Emin Aktar as former president of the Diyarbakır Barr Association; Lezgin Yalçın from Civil Society Development Center; Övgü Gökçe from Diyarbakır Center of Arts; Nurcan Baysal as steering monitor of the research project; Gamze Yalçın from Diyarbakır Human Rights Association; families from Mesopotamian Association for the families of disappeared persons and families from the Association for the forced Migration contributed systematically to the discussions held during the working group meetings in İstanbul and Diyarbakır.

We are whole-heartily thankful to Elisabeth Oglesby for the information and documents she shared regarding the cross-country case studies; to Lou Anne Jensen-Chrest as the President of the Chrest Foundation; to Walter Weirs from C. MOTT Foundation; to Ulrike Duffner from Heinrich Böll Stiftung Association in Turkey and to Didier Chassot from Swiss Embassy in Turkey for their encouraging support for the project. The genuine owners of this research which should be considered as a duty of loyalty, are the family members lost during the dirty war. We wish they were here.

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## Introduction

Mukaddes Hanım said that “words have already buried themselves.” She still has no knowledge of the whereabouts of her father, who was arrested twenty years ago. The “state,” which took her father away, did not return him and was not held accountable, is not the only one that caused the burial of Mukaddes Hanım’s words. Journalists, politicians, academics and other citizens who did not see their suffering, who did not hear them and who did not ask after “Kurdish citizens” whose husbands, children, brothers and fathers were “wiped out,” also preferred the burial of some words. While trying anyway to keep talking or while we were both waiting in silence, some words came back. But some words lack some meanings.<sup>1</sup> After twenty years we are trying to find buried words and bring them back and to understand what they mean. However, most of the time we feel obliged to admit that words will never be enough to describe the past.

Nevertheless, we try to conduct one of the studies of “coming to terms with the past,” which tries to give ear to the feelings, thoughts, demands of the victims, who were addressed by crimes against humanity, who were exposed to the violence of states; and to convey these feelings, thoughts and demands to the states at stake and to those who remained silent when those crimes were committed. We have been trying to achieve that as an institution, namely, Diyarbakır Institute for Political and Social Research. What do I want to achieve personally, as a writer of this study? I can be seen as one of those who remained silent. I was “fortunate” to be a child, adolescent in the West of Turkey; studied “international relations” free of politics and it was only during my PhD studies, when I was “fortunate” to become really aware of the East of Turkey, “the Kurdish issue”. Now, I try to bear testimony to what I became aware of years ago. Mukaddes Hanım, like others whom we visited for this study, says “Welcome” and shows us courtesy of talking and listening to us. Suffering caused by the loss of her father was turned into pride by her persistence that makes her try to understand and keep asking “why?”

“Why?” is the word we heard most frequently during the fifty six interviews we conducted on our route from Muş, Bitlis, Van, Hakkari, Mardin, Batman, Diyarbakır to Istanbul. There is no meaningful answer to this question. No word has the meaning this question begs for. Nevertheless, there are many

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<sup>1</sup> See: Atay, 2004, p. 101.

words to say, we are never at that point where no words are left; words will never end, because they will never be enough. This study will also be added to all those words that have been said. It will bring together the narratives of Mukaddes Hanım and others who opened their doors to us with the narratives of those who suffer similar pains in other parts of the world as well as with the political and philosophical narratives produced for similar situations concerning justice, mourning, forgiveness, resentment and political friendship. It will bear testimony to that those who were colonized, impoverished, silenced, displaced and whose relatives were “wiped out” give a gift – composed of values, words and politics they produced in struggle and persistently keep alive – to those peoples, lives and sciences that did not experience and hear of oppression. A gift to enable the latter to “come to terms with the past.” It is impossible to convey the testimony of oppression, perhaps we can convey “the narrative of oppression” we bore witness to. We can turn these narratives into a lesson, a politics, since, as Homi K. Bhabha says, “from those who suffered the sentence of history – subjugation, domination, diaspora, displacement – that we learn our most enduring lessons for living and thinking.”<sup>2</sup>

Before moving to testimonies, in the Chapter I, I try to look closer at the studies on coming to terms with the past, which is the subject matter of these testimonies, and at the goals, tools and addresses of these studies. I touch upon problems and promises of “transitional justice,” which for reasons discussed in the next chapter, I call “post-conflict justice.” By examining retributive and restorative justice, I discuss notions of “victims, witnesses and survivors” as well as “perpetrators, responsible ones and bystanders.” I also address the meaning of truth for these agents; the characteristics of official truth commissions and unofficial truth projects.<sup>3</sup> The comparison I have made between retributive justice and restorative justice, which essentially emerged from criticisms of the former, sometimes leads to the relation between these two approaches to appear as an oppositional one. However, as it will be observed in the next chapters of this study and especially in the interviews, the relation between these two approaches can be said to be a complimentary one with regards to justice served in social and legal terms.

In Chapter II, I discuss concepts of “memory,” “mourning,” “forgiveness,” “resentment and vexation” as well as “political friendship” which constitute the

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2 Bhabha, 2001, p. 172.

3 For a list of truth commissions established in the post-conflict justice period see: Appendix I.

subtext of the already mentioned studies and motivate our interviews with witnesses who were exposed to the state violence in Kurdistan in the 90s. In this study I also found valuable to examine the possibility for victims to forgive perpetrators and the responsible ones, the lack of such possibility manifested by feelings of resentment and vexation, and the political equivalent of these feelings. In this respect, I wanted to rethink the relation of “fraternity” with Kurds which Turks usually define without leaving the throne of the elder brother within the framework of a probable political friendship with Turks, whom Kurds want to be partners in their concerns and struggles. By describing the 1990s, a “state of exception” in Turkey and Kurdistan, in Chapter III, I aim to provide political framework for the interviews.

The following three chapters are devoted to interviews with witnesses. In the first of those chapters, Chapter IV, I introduce interviewees along with the route and background of our visits. In Chapter V I convey interviewees’ quest for justice reflected in their expectations from the state; their demands for the prosecution and punishment of perpetrators and the responsible ones; their objections to impunity, material reparation and plea-bargain; their views on disclosure and acknowledgment of truths, public apology, and finally their state of “demandlessness.” Interviewees’ opinions with regard to the possibility of their confrontation with perpetrators and the responsible ones, the possibility for them to forgive and give their blessings, their expectations from Turks in terms of the likelihood of a new contract of fraternity/political friendship and the struggle for dignity they give are presented in Chapter VI. The last chapter is devoted to evaluation and recommendations.

We tried to conduct interviews within a framework of twenty nine questions organized into three categories: “definition and narrative of victimhood,” “demand for justice” and “confrontation, forgiveness and resentment.” We attempted to come to know opinions of the interviewees, but knowing that we would certainly not ask these questions one by one, we asked questions in a manner appropriate to the aim, giving priority to flow of the conversation.

That day in the evening, when we had completed our interviews and were talking about what we had heard and seen in those fifteen days, Berivan said “nothing is in its right place” in reference to pain of those who leave baby cribs at the cemetery in Şırnak, as seen in the photo on the cover of this study.<sup>4</sup> Babies are not in their cribs, neither are fathers, spouses, siblings

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4 Hereby, I would like to thank Berivan Alagöz, who conducted significant number of interviews in Kurdish and afterwards broadened my mind with her insights; İshak

with their loved ones; for twenty years nothing is in its right place. If only this study can explain that, recall the irreplaceable, then it will tell a humble story.

With this study we hope to contribute to the process of “coming to terms with the past” in Turkey. Respect and gratitude we have for those who opened their homes and hearts to us cannot be expressed with words. *Xwedê ji we razî be.*<sup>5</sup>

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Dursun who visited interviewees prior to our meetings and allowed the interviews to take place in a comfortable and not unsettling manner; Ubeydullah Hakan who accompanied us with his camera in cities, towns and villages we visited along our way and whose photo is on the cover of this study.

5 May God bless you in Kurdish.

## Chapter 1

### Coming to terms with the Past: Quest for justice

“Humanity” was believed to be the main victim of Second World War and ever since has been on the lips of everyone who wants to rethink all the horrors of that period. The murderers, who were not content with their murders, who “inhumanely” treated people and bodies and “lost their humanity” in the process; political authorities who ordered the murderers; “humanity,” which did not stand against those authorities; finally, the desolateness of those telling the victims that “good people always die;” all these became subjects of philosophical, literary and political works. The question how people could be witnesses and subjects to those atrocities, “crimes against humanity”, was explained as inherent to “human nature.”<sup>6</sup> In fact, “human nature,” as such, did not exist, some argued, and the limits of what people were capable of doing were inseparable from the political, cultural and administrative framework of the society they live in. Now and again, in different places being a *human* would mean “complicity in crime.” Sartre in the preface to Franz Fanon’s *The Wretched of the Earth* wrote in reference to Europeans: “with us, to be a man it is to be an accomplice of colonialist, since all of us without exception have profited by colonial exploitation.”<sup>7</sup> The establishment of civilization materialized through “death of humanity.”<sup>8</sup> Nevertheless, to redefine humanity, in order

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- 6 The Rome Statute of the International Criminal Court from 1998, by crimes against humanity understands: “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. Apart from crimes against humanity, authorities and actions of the state of the Republic of Turkey can be subject to investigation in regard to “war crimes” defined in the Article 8 of the Rome Statute (See: Aydın, 2006). For legal development of the concept of crimes against humanity see: Delmas-Marty, Fouchard, Fronza and Neyret, 2012.
- 7 Frantz Fanon, *The Wretched of the Earth*, Grove Press, New York, 1963, p. 25.
- 8 For analysis of relations between civilization and violence as well as civilization and torture see: Avelar (2004)

to prevent those atrocities from happening again, existing political and social structure had to be changed along with changes in the way people used their faculties and reason. This formed a departure point for many legal and political measures taken in the post-WWII era. The Convention on the Prevention and Punishment of the Crime of Genocide (1948), The Universal Declaration of Human Rights (1948), Geneva Convention (1949) and other documents as well as Nuremberg and Tokyo trials were the first international measures on the agenda aimed at preventing reoccurrence of crimes against humanity.<sup>9</sup> Transitional justice brought about in the aftermath of the collapse of South European and especially Latin American military dictatorships in the 70's and 80's, has created nearly universal "culture of coming to terms with the past."<sup>10</sup> In the forthcoming section we will look at some instruments and mechanisms produced by this culture which recently have repercussions in Turkey.

### ***Studies in post-conflict justice***

The concept of "transitional justice" is built on two premises: "transition" and "justice." "Transition" points to the period of transformation from authoritarian regime or a civil war towards liberal democracy and peace, whereas "justice" refers to political reforms as well as legal measures undertaken in that period. On the other hand, however, universal character of both "transition" and "justice" was questioned promptly. Contemporary critical approach stems from different understandings of social justice and unpredictable and non-linear character of transition in countries bearing various political histories and cultures. First of all, the question is whether the end and direction of the period described as "transition" must be liberal democracy.<sup>11</sup> In addition,

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9 See: Lundy and McGovern, 2008.

10 Term "transitional justice" will be discussed below. For further details on "coming to terms with the past," debates and relevant studies and examples, see: Sancar, 2010. Güleler summarizes R. Teitel's historicization and explanation of the development of transitional justice in three phases. The first one emerged immediately with the change of global situation in the aftermath of WWII. In this period national judicial regimes were replaced by international law and, as a result, transitional justice was realized through international law in the context of bipolar conditions of Cold War. The second phase is dated for last quarter of the 20th century, when after fall of the Soviet Union, countries of Eastern Europe and later Africa and Latin America entered period of transitional justice. The third, and last phase of transitional justice, came into being at the end of the century, and was shaped by globalization and political instability that feeds violence. In this period construction of humanitarian law based on transitional justice allowed to set direction for post-conflict societies. See: Teitel, 2004, 70-71.

11 Since there is no tangible threshold to determine transition to democracy some suggest term „ post-conflict justice." See: Mihai, 2004, p. 184.

the assumption that liberal democracy is immune to “crimes against humanity” is subject to a debate. These primary objections will be further discussed. Theoretical debates and historical examples raising questions as to universal character of transitional justice go beyond the scope of this paper; however, they are within reader’s reach.<sup>12</sup> It is particularly the universal and legal character of “justice” that prompts criticism of the body of work on *transitional justice*. While demand for justice is universal, every society can define justice within its own peculiar context, critics argue. Similarly, attempts at limiting universal pursuit of justice to legal process are also criticized.

Inadequacy of modern legal systems is not the sole reason why justice “does not find its way” or is not “distributed” properly. The nature of justice simply cannot be pinpointed or anchored. Just like Alain Badiou argues: “injustice is clear, justice is obscure. Those who have undergone injustice provide irrefutable testimony concerning the former. But who can testify for justice?”<sup>13</sup> In fact, justice bears semblance with time: it comes and goes. Even if we manage to grasp the “moment” when we believe justice has been done, soon we will again embark on our search for justice. Perhaps, the notion which we name and extol as justice, should be redefined based on the permanent and actual agency of “being just.” In simple terms, justice starts with the effort to respond to the call of others; knowing where the call for justice comes from and what does it entail. Justice is an art of listening. Those convinced of their identities and rightness do not want to hear the call for justice as to find the just answer requires to doubt oneself and willingness to open up.<sup>14</sup>

Jacques Derrida puts forward an understanding of justice that corresponds with the discussion above. In his view, justice is like a gift without exchange, without gratitude or recognition, does not enter economic circulation or calculation, is without rules, reason and rationality.<sup>15</sup> This notion of justice is completely at odds with stability-consensus based understanding of justice. Stability-consensus based understanding of justice prescribes justice as determinist, lineal, progressive, finite and static. Once such vision of justice is accepted and rules are laid out, any conflict or dilemma will be fought in the name of protection of public order and security. In Derrida’s view, however, continual aspiration for justice is what challenges limits of legal systems, pol-

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12 See: Agamben, 2001.

13 Badiou, 2004, p.69.

14 See: Sokoloff, 2005.

15 Derrida, 1992, p.25.

itics, ethics, social structures and public space.<sup>16</sup>

Constant search for justice reminds us the historical development of the concept. Traditionally, justice was either equivalent of punishment/vengeance or was a means to a more divine end such as happiness or just life; it was also perceived as a duty or a value in itself. Recently, justice has become part of the debates about pluralism and democracy.<sup>17</sup> It can also be defined from the perspective of diverse social problems: in relation to structural/economic inequalities it performs redistributive function in form of egalitarian social justice; cultural inequalities can be resolved through recognition of various identities and cultures and justice based on positive discrimination; social representation inequalities can be addressed through justice based on social participation and democracy. What brings this discussion, on the other hand, is the feminist approach which argues that the dominant ethics and practice of justice claiming universality have been by large shaped by masculine perspective, and that today's search for justice should be revised in accordance with woman's perception of ethics and practice of care.<sup>18</sup> There are also new theoretical approaches which depart from diverse experience of multiple gender identities and offer criticism and contribution to the feminist ones based on an essentialist understanding of womanhood. In this sense, one may argue that search for justice, in the event of inadequacy of the dominant understanding of justice, is an effort to come to terms with the past in a broader and deeper manner.

Efforts to compile and classify mechanisms of post-conflict justice are further strengthened by various practices and discussions. International Centre for Transitional Justice, however, offers a list of "elements of a comprehensive transitional justice policy."<sup>19</sup> *Criminal prosecutions*<sup>20</sup> of perpetrators and those particularly responsible for crimes before national, international or mixed courts is the first principle of transitional justice policy according to the Centre. *Reparations* form another fundamental element of post-conflict justice. Through reparations the government recognizes and takes measures to address harms done. Therefore, there is a need for both material compensation i.e. payments in cash or provision of health services as well as symbolic,

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16 Derrida, 1999.

17 Pali, 2013, p. 7-30.

18 Pali, 2013, p. 14-17.

19 ICTJ, <https://www.ictj.org/about/transitional-justice> [Retrieved: 3.04.2014]

20 For analysis of court cases see: Güleler, 2002, p.53-57.

which could take form of a formal public apology and/or establishing a day of remembrance.<sup>21</sup> Abusive state institutions such as armed forces, police and courts should be subject to *institutional reforms*, another pillar of transitional justice. Complicity with the criminal regime of the former and future employees of above mentioned institutions must be scrutinized in order to prevent reoccurrence of human rights violations and impunity.<sup>22</sup> *Truth commissions*, the last element of transitional justice, provide means to investigate and report on systematic patterns of abuse as well recommendations of necessary changes and reforms for policy makers.<sup>23</sup> This list, however, does not exhaust possible modes of action, since different countries may take different measures and introduce different mechanisms or the same mechanisms may be implemented differently.

Though it does not take place on the website of the International Centre for Transitional Justice, there is one more mechanism, i.e. amnesty that is often referred to in the literature of *reconciliation*. This mechanism is preferred by new governments who are unwilling to come to terms with the past and choose to resort to *special amnesty, partial or general amnesty*. *Conditional amnesty* is also common practice in which amnesty is granted in return for confession and information about criminal violations. This type of amnesty is similar to *covert/secret amnesty*, which also acts to benefit the criminals.<sup>24</sup> The problem is that such amnesty laws ignore victims' and society's demand for justice and truth, therefore, oftentimes instead of serving reconciliation pave the way for new conflicts.

Nonetheless, there is a prevalent tendency to try to prove a non-direct relationship between the pursuit of truth and justice, on the one hand, and reconciliation period on the other.<sup>25</sup> Departing from retributive justice, it is argued that truth and prosecution give precedence to the past over today and future, and thus hamper peace and reconciliation by polarizing the society. However, as it will be discussed below, perspective of reparative justice does not imply a choice between justice and reconciliation. Particularly for the victims, there is no reconciliation without truth and justice. Survivors of genocide in Rwanda testify to that need very clearly: "Reconciliation. This word

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21 For further discussion of material and symbolic reparations see chapter „Truth“ below.

22 see: Güleler, 2012,p.66-72.

23 Truth commissions will be discussed in greater detail below.

24 For amnesty laws see: Güleler, 2012,p. 63-66.

25 See: Rosoux, 2009, p. 543-563.

became unbearable to me and to most of the survivors I know;” “This is not the end of genocide that really stops a genocide, because inwardly genocide never stops.”<sup>26</sup> What renders genocide unfinished for the survivors is the fact that their demands for truth and justice have not been met, and perhaps, if we do not find the right means, those demands will never be met.

### ***Retributive and restorative justice***

Post-conflict justice studies nowadays are governed by two different but complimentary understandings of justice. The first one, *retributive justice*, perceives crime as a violation of the law and mainly focuses on punishing offenders. The second one, *restorative justice*,<sup>27</sup> however, perceives crime as a violation of person’s material and symbolic integrity as well as relations, thus, focuses on amending those relations. Retributive justice is expressed through legal language, far removed from the people. It also does not take into account expectations of the victims since it represents top-bottom model of operation. Moreover, this approach does not put under scrutiny the structural conditions that generated conflict and is content with the punishment of perpetrators of “the crimes against humanity”. Process of the punishment also may oftentimes not satisfy demands for justice and not serve sustainable peace.<sup>28</sup>

Restorative justice, on the other hand, is victim-focused, community-based and bottom-up oriented. Within this approach causes of the conflict are examined which enables transformation of political culture and, as a result, justice tends to play a role in peace building. This trend stems from decentralized anti-legalization, anti-specialization and anti-generalization response to criminal law which creates crimes and criminals and entangles them in a complex legal quagmire.<sup>29</sup> To understand this response, one must accept the right to come to terms with the past as a part of human rights, inseparable from democratic and pluralist political culture. In this respect, victim and community-based understanding of justice carries radically democratic nucleus, which accounts for much more than being an aspect of post-conflict justice. In fact, precisely because restorative justice is closely related to nor-

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26 See: Rosoux, 2009, p. 558.

27 Zehr, 1990, p.181, Clark, 2008, p.340.

28 For more on theoretical and legal debates on justice see: Weitekamp and Kerner (2002), Walgrave (2002), Zehr and Toews (2004).

29 Wietekamp, 2002, p.323.

mative and ethical principles, it is based on religion, philosophy, social sciences, communitarian ideals and other social theories.<sup>30</sup> On the other hand, for the restorative justice to succeed, or in other words, for the society to respond to proposed concepts and mechanisms, there is a need for healthy practice of retributive justice. Therefore, these two theories of justice shall not be seen as in opposition, but rather as complementary.

Owing to modern criminal law we are more familiar with retributive concept of justice. Modern criminal law is driven primarily by logic of retribution and although it is different from personal understanding of revenge, it is however, a legal way to prevent individual retribution. Recognition of the rights of the victims in the event when perpetrators do not accept their agency deprives the perpetrators of their freedoms and rights, but at the same time appeases victim's legitimate desire for vengeance and employs it even in the service for the public good. In a way, modern criminal law indirectly accepts personal retribution, in the sense that it restores moral order by reinstating personal dignity and right to compensation for the losses by publicly affirming that wrongdoing bears consequences.<sup>31</sup> Present in the modern law *defence of infancy or insanity*, which allows determining whether perpetrator can be held accountable, based on their mental and psychological condition or should be excused or forgiven, seems to deny wrongdoers dignity of being held responsible agents who deserve punishment.<sup>32</sup> It can be even argued that in the absence of prosecution forgiveness may disavow the significance of injury done to the victims and actually the community. Just like judges presiding over Eichmann's trial pointed out, such grave, "beyond comprehension" injuries as genocide are more a subject for "great writers and poems" rather than jurisprudence. Since only actions and the reasons behind these actions can be tried in courts, there is a need to reasonably reconsider limits and authority of the court.<sup>33</sup>

The concept of restorative justice emerged as a result of criticism of criminal justice mechanisms in the post-conflict transitional justice processes. The most important objection against national/international courts was their ignorance of the feelings, opinions, needs and rights of the victims. Since call for

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30 Pavlich, 2002b.

31 Saunders, 2011, p.133.

32 Ibid. p.133.

33 One of the Nazi officers, Otto Adolf Eichmann was executed in 1962 in Jerusalem. Arendt, 2012, p.219.

justice is materialized not through abstract and universal rights, but through the local and tangible needs of the victims, it is argued that there is a need for a new language, understandable for the victims, a language that will bring together needs and rights of different communities.<sup>34</sup> Otherwise, rulings of the national/international courts will always lack legitimacy in the eyes of the victims since they are too far removed from the local context both in spatial and mental terms. Legitimacy is closely related to the establishment, procedures and location of the court. International Criminal Tribunal for the Former Yugoslavia in The Hague in the Netherlands and International Criminal Tribunal for Rwanda in Arusha, Tanzania are located outside the communities in which crimes under their jurisdiction were committed. Victims and other parties cannot oftentimes reach the courts where justice is administered through complex procedures alienating local communities from justice.<sup>35</sup>

That's why it is said that the Special Court for Sierra Leone which was established as a first hybrid court combining national and international efforts, and except for one case moved to the Hague for security reasons, held all the proceedings in the capital city of Sierra Leone, Freetown, "in the middle of the crime scene, so that the victims, their families, citizens can watch justice in front of their eyes."<sup>36</sup> Trials of the former chief of Gestapo Klaus Barbie before French court or of members of the military junta in Argentina are "constitutional moments" for those societies because they allowed individuals and communities, alienated by the atrocities, to bring back to light repressed historical traumas and come to terms with the past.<sup>37</sup> If we consider that victims are not the sole addressees of justice but the communities they live in are or should also be involved in the quest for prosecuting "crimes against humanity," then importance of physical location of the courts becomes apparent. Since justice is already far removed from the people in mental terms, further physical removal constitutes a situation we call *isolation of justice*.<sup>38</sup>

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34 Robins, 2011, p. 77-78.

35 Clark, 2008, p.334.

36 Park, 2010, p.100. Park emphasizes that the Special Court for Sierra Leone is the first one to try persons for forced marriages and the use of child soldiers. For more details about the court see: <http://www.rscsl.org/>

37 Arenhövel, 2008, p.575.

38 To keep justice away and isolated from the people, argument of "safety of the defendant" is utilized by court cases in Turkey that are transferred to different cities. "Four indictments including murders by unknown perpetrators, forced disappearances and burning of villages in the 1990s were to be heard by the courts in late 2012 and 2013. Although events cited in the indictments took place in Muş, Mardin, Hakkari and

Nils Christie coined a name for it: “conflict stealing.”<sup>39</sup> He says that though conflicts carry a potential for social movement and participation, modern criminal courts with all the professionals i.e. lawyers and judges, rendered conflicts invisible and pacified sides of the conflict to such an extent, so that they have entirely eliminated this potential. The biggest losers in the modern courts, according to him, are the victims who are represented by tired lawyers and not allowed to speak their minds, and as a result, excluded from the process. On the other hand, he adds that, the main loser is the society. He points out that the eternal discussion on what and who is represented by the law of the country and the possibility of determining norms, in other words, the chance to take the political discussion to the courtrooms is taken from the hands of the society. Christie also mentions perpetrators as those whom modern criminal law leaves out. They are not invited to explain the reasons for their actions and are deprived of the chance to experience the pain when they meet the victims, the remorse they might express, and the possible forgiveness. To provide that opportunity for personal confrontation, Christie puts forward victim-oriented model of neighbourhood courts run by “laymen.”

Christie’s criticism of specialization and death of neighbourhoods in modern Europe due to social segmentation in the context of the civil law dates back to 1977, but both his criticism and suggestions can be seen as equivalents to restorative justice mechanisms implemented nowadays in many countries around the world emerging from conflicts. On the other hand, Adam Crawford argues that a kind romanticism of *good old times*, of traditional societies and nearly a mythical approach lies implicitly in Christie’s work and explicitly in restorative justice approach.<sup>40</sup> In fact, supporters of restorative justice do present positive examples of forgiveness, cultural reconciliation, mediation and volunteerism stimulated by local mechanisms of justice. Traditional justice systems were designed to deal with minor issues, therefore is a need for caution due to the potential the historical animosities and underlying causes of the conflict to continue, which is particularly problematic for the dispossessed, women, people with different gender identity, minorities and

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Şırnak, none of the trials were held in those districts. Derik case was moved to Çorum, Yüksekova case to Eskişehir, Silopi case to Ankara and Korkut case to Kırıkkale.” <http://www.bianet.org/bianet/insan-haklari/151913-zamanasimina-ugramayan-davalar> [Retrieved: 2 April 2014].

39 Christie, 1977.

40 Crawford, 2002, p.109. Author’s emphasis.

migrants.<sup>41</sup> *Gacaca* courts in Rwanda illustrate problem with traditional local justice mechanisms. They were established when the International Criminal Tribunal for Rwanda could not meet the expectations, and were used by Hutu to take revenge on Tutsi.<sup>42</sup> This is not to say, however, that local justice mechanisms should be entirely abandoned.

In Sierra Leone, civil society organizations and other social institutions resorted to traditional rituals when modern legal system failed to address the problems.<sup>43</sup> One of the examples is reintegration ceremony, where the perpetrator confesses his crimes against his family or community and asks for forgiveness. The ritual starts with the offender cleansing himself “of his crimes through the washing of his body in a stream” and afterward he comes to the village and confesses. Some reintegration ceremonies are followed by feasts and dances accompanied by “the pouring of libations of palm wine onto the ground to appease ancestors, the dead, and the gods.”<sup>44</sup> *Fambul Tok* or *family talk* is another example of reintegration ritual from Sierra Leone. For this ritual mini-commissions consisting of a community leader, religious leader, a woman, a young person and someone from outside of the community, sit under “a sacred tree” in front of a large bonfire and together with the victims they listen to perpetrators’ confessions and remorse. Ceremony is concluded with ritual animal sacrifice.<sup>45</sup> Acholi people in Uganda achieve reconciliation through the council of the elders which brings together parties from conflicted clans and in rituals of *mato oput* or *bending of the spear* and *gomo tong* or *drinking the bitter root* accomplish peace.<sup>46</sup> Some rituals in order to restore peace in the community involve not just the individual “stained” with vio-

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41 Arriaza and Roht-Arriaza, 2008, p.161, Baines, 2007, p.114.

42 For more criticism of the 11,000 *gacaca* courts and their unfair pursue of justice see: Corey and Joireman, 2004; Betts, 2005; Kirby, 2006.

43 Park, 2010, p.108-115.

44 For similar rituals in East Timor, Peru, Cambodia, Rwanda, Uganda and Mozambique see Arriaza and Arriaza, 2008, p. 164. In Turkey, reintegration of the village guards, one of the most complex paramilitary organizations, into Kurdish society can be an inspiration. Big feasts that bring together clans or *dara çekme* (temporary banishment) used by Alewites should be reconsidered in this context. For those who do not trust modern law or state’s intervention or are geographically too far, new local mechanisms of justice can be invented. In fact it is noteworthy that in Kurdistan, many local disputes have been resolved by the PKK in favour of underprivileged groups i.e. women or villagers.

45 For the role sacrifice rituals playing different traditional societies in preventing or ending conflicts see: Girard, 2003.

46 For more about the conflict in Uganda, the International Criminal Court and local justice mechanisms see: Baines, 2007; Jeffrey, 2011.

lence, but their community as well. It is done in order to appease the spirit of a person who while alive was violated or whose body was not properly buried; to prevent the spirit from running rampant in search for revenge, appropriate rituals are performed.

One can argue that such theatrical rituals may not resonate well with young generations and may not be suitable to deal with mass massacres of modern times as they fail to notice underlying cause of the conflict and truth about the crimes. Yet, in some cases traditional rituals may ease divisions deepened by the war and on few occasions have proven to be more functional than truth commissions.<sup>47</sup> It would seem that the community in question must decide which ceremonies and to what extent will be incorporated in modern procedures. Clearly for these practices to be comprehensive, meaningful and beneficial, a preliminary study must be carried out to assess victims' demands for redress and to what extent the other side is ready to accept those demands.

Case of Guatemala provides an inspiring example of self-governance of traditional societies in modern times.<sup>48</sup> "Houses of memory" or *Panzos Historial* were established to remember massacres of 1978 and to keep record of repression during the period of signing peace agreement, but they also document cultural practices and traditions from the pre-violence period. The museum in *Panzos* is a community peace museum and many commemorative rooms are scattered around the area as physical memorials. Two members from each community selected in accordance with Mayan tradition participate in workshops organized by *Historials*. Among other things, *Historials* enabled and facilitated work of two groups of forensic anthropologists who exhumed secret burial sites and recovered bodies of many people, who were afterwards buried in a proper, traditional manner and names of the perpetrators were etched on their gravestones. They have achieved this due to collaborative work with local communities, religious authorities and some local organizations. What fostered the success was the fact that community organizers in their psycho-social work accepted Mayan space-based spirituality and interconnectedness of people and nature thus saw survivors not as victims but bearers of culture and history. In brief, it can be argued that, as compared to retributive justice, mechanisms of restorative justice seem to be more comprehensive. It is noteworthy, however, that such local mecha-

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47 Park, 2010, p.114.

48 Arriaza and Arriaza, 2008, p.165-166.

nisms cannot be managed by governments, international and even national institutions according to *a priori* set goals and schedule.<sup>49</sup> In other words, local victims and other parties involved as well as local values must not be instrumentalised or objectified.

Although experiences of Northern Ireland are considerably different from the examples presented above, it is a case where both sides of the conflict were directly involved in “transformative justice.”<sup>50</sup> Two paramilitary groups i.e. Provisional Irish Republican Army (IRA) and Ulster Volunteer Front (UVF) started in 1998 projects in their communities involving former combatants and ex-prisoners. In Republican areas the project was called Community Restorative Justice Ireland (CRJI) and in Loyalist areas Northern Ireland Alternatives (Alternatives). Violence, not just inter-communal, but also intra-communal was quite common and used against members of their own communities to punish “disloyal” members. After peace accords between IRA and UK government, intra-communal violence did not cease, to the contrary, it took on new character, homophobic and racist. These kinds of problems are manifestations of a “culture of violence,” which is characteristic of many post-conflict societies. To address the problem CRJI and Alternatives collaborated with the Police Service of Northern Ireland, formerly called Royal Ulster Constabulary, in an attempt to purge notions of justice and punishment of violence and to “normalize” the notion that security forces work for the benefit of the society, not the state. To that end they used existing social and cultural non-formal networks in their respective communities. As a result of prolonged armed conflicts, “conflict” and “solution” become in the eyes of the people inseparable from violence, which creates impediments for the peace process.

### ***Victims, Witnesses and Survivors***

Survivors, victims and witnesses of wars, genocides and crimes against humanity, although take part in the quest for justice along with professional jurists, have different motivations. Their existence is also part of the criticism against modernity. In the post-modern or post-colonial period the dispossessed, minorities, women, people with different gender identities, colonized nations and diasporas, all excluded from theories and “grand narratives” produced by Eurocentric Enlightenment rational notion of modernity took up the fight against politics based on such modernity. Their struggle came about

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49 Arriaza and Arriaza, 2008, p.170-172.

50 Eriksson, 2009.

at the same time with victims' call for justice that is not limited to law. It is not a coincidence that Chantal Mouffe refers to that period as "return of the political."<sup>51</sup> Intervention of these groups corresponds to the transformation of the public space which was entrenched with a peculiar gender, colour, religion, language and identity but also given an "impartial" and "consensual" character under the banner of "national" and converted into an apolitical space into a political one again. Victims, who in this period could not interfere in the criminal courts or positivist law, started building a system that would express their own understanding of justice leading to emergence of restorative justice mechanisms. In fact, more often than not, such actors as academicians, opposition lawyers and civil society organizations played primary role in the establishment of restorative justice mechanisms while victims, again, played subordinate role.

Restorative justice aimed to "empower," "liberate," and "turn into subjects" the victims, make them "speak their own voice," but this is precisely that approach which reinforces inferior position of victims. This discourse, again using enlightened approach makes "people who tried to be rescued" recipients of an ideology, while in fact, they are objectified as "the oppressed" or associated with modern romanticized vision of "innocent and pure peasants." Very often the use of the word *victim* entails looking down on people who are characterized as victims, which is a subject of many debates. In fact the problem is not with the term "victim" but it is rather with the words associated with that term that create a problematic attitude towards victims.

The victims are forced to take on certain practices and phrases in order to convey an injustice they had experienced, that process however, victimizes them again and that is the fundamental problem. Achille Mbembe rejects prioritizing *victimhood* over *subjecthood*.<sup>52</sup> Perhaps if we replace word *subjecthood* with *humanity* Mbembe's point will be more lucid. Each victim, like everyone else, has their own political and cultural identity, specific only to them. What brings the victims together under the same label is their common understanding and pursuit of justice rather than victimizing experiences. In this sense, victims' collaboration with other groups on the basis of a common struggle to transform social and economic conditions that victimize them should be prioritized. Such alliance allows victims to intervene in such concepts as guilt, punishment, responsibility, perpetrator and perhaps, most

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<sup>51</sup> Mouffe, 2005.

<sup>52</sup> Mbembe, 2002.

importantly, victim and victimhood. More importantly, notions of restoration and reformation should be replaced with “collective solidarity” which entails the effort to understand the world and time we share with others, which is therefore not limited just to victims.<sup>53</sup> Instead of further discussing victimhood, it will be more appropriate to include victims’ words and views directly in the following chapters of this study.

### ***Perpetrators, the Responsible Ones, Bystanders***

The line between those who carry responsibility giving orders, and perpetrators who followed orders is blurred. Nonetheless, whenever possible, this distinction must be upheld for political and legal reasons. Who is the main “culprit” changes, however, according to the views of the victims. Nevertheless we see that most of the victims address those in charge and agree with Hannah Arendt’s evaluation: “in general the degree of responsibility increases as we draw further away from the man who uses the fatal instrument with his own hands.<sup>54</sup>”

Restorative justice approach towards perpetrators and those in charge is considerably different than the retributive justice approach. To begin with, from restorative justice perspective, crime is not a violation of rules or laws, but rather a violation of people’s spiritual and physical integrity as well as their relationships. As a result, it is the victims, not the law-making or law-protecting state that the perpetrators or those in charge have to address. By making the perpetrators stand face to face and comprehend all the damage they have inflicted, this approach facilitates regret and apology and, in the end, provides possibility for perpetrators to take responsibility for their actions. Participation in the process of restoration of violated relationships is more important than punishment since it also allows perpetrators’ transformation. Criminalizing the perpetrators only demonstrates existence of political culture and social problems that cannot be solved through an act of punishment. One may argue that the aim of restorative justice is to transform conditions that created grounds for the perpetrators to commit crimes. In other words, its main aim is to prevent reoccurrence of criminal acts.

Crimes generally tried in the court rooms were committed “*in the name of state*” and are justified as “*only following the orders,*” therefore, perpetrators are often even proud of the punishment and we are used to hearing state-

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53 Pavlich, 2005, p.62-63.

54 Arendt, 2012, p.252.

ments like this: “*today I’d do the same.*”<sup>55</sup> Defence of motherland is assumed as a difficult, but historical and divine duty which invalidates conscience and renders murders legitimate.<sup>56</sup> Since perpetrated crimes are presented within the context of “national interest” and this concept is not questioned by the society, public space turns apolitical and any chances of politicizing it are withheld. Crimes committed in the name of national interest are characterized as “reason-of-state” and are likened to actions of an individual who acts in self-defence i.e. in extraordinary circumstances, the state might be forced to use criminal means to secure its own survival, but such actions are legitimate due to existing threat.<sup>57</sup> In such case it seems as if personal responsibility for actions committed on behalf of the state or when laws of the state of emergency are in force, is non-existent. As a result, everyone, including the officer on the very top, escapes criminal prosecution. In fact, as Arendt argues, personal responsibility never ceases to exist and it is precisely the reason why those perpetrators who claim to have only obeyed orders, to have been only “cog in the wheel,” as Arendt put it, must be criminally prosecuted because transforming a cog into a man is of utmost importance here.<sup>58</sup>

Legally speaking it is impossible to transfer personal responsibility for a crime to someone else on the premise, that the crime was committed upon orders from “from above.” Ultimately, disobeying orders is always a possibility just as ability to make judgments as to which orders to follow and which not to, lies within intellectual and moral faculties of a human.<sup>59</sup> Commander of Treblinka extermination camp, established by the Nazi Germany in occupied Poland, Franz Stangl with the following statement started a very important debate: “I have never intentionally hurt anyone, myself ...but I was there...

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55 Retired colonel Cemal Temizöz together with former village guards and informants, altogether 7 people, were tried for murders in Cizre in 1993-1995. In the case *Temizöz and others* “all of the accused, very often in their statements claimed to have fought with terrorism for the national interest and that they actions could not be seen as crimes, but rather reasons for award; they also expressed belief that their accusation was unjust.” See: Atılğan and Işık, 2011, p.39.

56 Arendt, 2012,p.114.

57 Arendt, 2003,p.38.

58 Arendt, 2003,p.32.

59 The International Convention for the Protection of All Persons From Enforced Disappearance adopted by UN in 2066 in article 23.2. states: “Each State Party shall ensure that orders or instructions prescribing, authorizing or encouraging enforced disappearance are prohibited. Each State Party shall guarantee that a person who refuses to obey such an order will not be punished.” For full text see: <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx> [retrieved 5.02.2015]. Turkish government has not yet signed this convention. : Atılğan and Işık, 2011, p.45.

So yes, in reality, I share the guilt.<sup>60</sup> It is a confession that he did not lose a choice whether to be there or not. In the moment of this choice one realizes their humanity by taking responsibility for their thoughts and judgments. It is noteworthy to remind here, that oftentimes, perpetrators are not monsters or sadists, but noble members of the society. Therefore, it is possible to understand what brought them to commit crimes. Arendt argues that the ones, who defend themselves by the need to obey the orders or their passive role, should be treated as supporters who actively demonstrated their support.<sup>61</sup> Perpetrators must have found it right, approved of and supported the ideology that demanded to follow orders and commit criminal acts. In other words, what matters and needs to be answered is not the question how the system functioned and how it recruited its minions, but why people became functionary in the system.<sup>62</sup> To bring to light systematic character of crimes against humanity, however, ideology that legitimized the system needs to be exposed, rather than chain of command. But to expose the discourse, we cannot simply put it in the dock, because in the dock there will always and only sit a person of flesh and blood.<sup>63</sup>

In Nneoma V. Nwogu's view, one of the weaknesses of truth commissions is the fact that they often fail to investigate the motivations behind violent actions. They also tend to restrain victims' and perpetrators' voices to fit into collective narrative at the same time elevating victims' voices over perpetrators' in the memory-making aspect of the commissions' work, in particular in cases involving ethnicity-based violence.<sup>64</sup> To understand underlying motivations, pre-conflict narratives need to be explored and included in the work of the commissions because "like the willingness to die for a cause, the willingness to kill for a cause constitutes a statement about the cause, the killer, the victim, and the act of killing."<sup>65</sup> We do not want to hear that statement, however. If we allow for a free discussion of the mental condition of perpetrators we might discover "the possibility that perpetrators of the most horrific offenses might prove to be little different from the rest of us."<sup>66</sup> Following Nwogu's argument, especially if in the civilian-led ethnic conflict we do not accept little

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60 Eksen, 2010, p.287.

61 Arendt, 2003, p. 46-47.

62 Arendt, 2003, p. 58.

63 Arendt, 2012, p.29-30.

64 Nwogu, 2010, p. 275.

65 Horowitz, 2001, p. 2, [in:] Nwogu, 2010, p. 278.

66 Osiel, 2001, p. 5 [in:] Nwogu, 2010, p. 278.

or no difference between perpetrators and victims, then we may fall in to a trap of thinking that some collectives and inherently violent and evil, while others inherently peaceful and good, which brings us close to racism.

Perpetratorhood and victimhood must not be turned into essentialist identities. Therefore, to avoid essentializing, discussion of socio-economic and political structures underlying violence, hidden truth in perpetrators' stories and "victimhood narratives" must be seen in relation to one another. The purpose here is not to confront and compare perpetrators' and victims' stories, but to bring them together in such a manner that would allow us to elicit and understand structural reasons behind violent actions. Again, especially in search for justice and truth after ethnicity-based conflicts, there is a danger of turning perpetrators and victims into personification of "an epic battle between good and evil.<sup>67</sup>" Personal stories of the "good" victims are used to create their ethnic group's "national narrative," which is deceptive and deficient, but becomes a step in creation of an apolitical national narrative. Whereas, struggle for truth and justice is a political act since it aims at unveiling the reasons for atrocities from the perspective of certain ideological stance of the perpetrators, even if their choice may seem "apolitical" when they abandoned their ability to pass judgments. This struggle also aims at restoring social relations, perhaps even establishing them for the first time. Nwogu argues that there is a need for truth commissions that would rebuild sense of "good, right and just" as well as "sense of justice" among the perpetrators and their ethnic group and, at the same time, restore the lost "sense of dignity" among the victims.<sup>68</sup>

Individualizing guilt by trying only perpetrators and only few responsible ones is one of the objections against international/national courts. However, it shall be seen as an advantage because once the crime is ascribed to an individual, it cannot be attributed to a group, thus nationalism is not reproduced i.e. grounds for conflict are not reproduced. Notion of "collective guilt" is undoubtedly an impediment to social peace. Concept of collective guilt has no legal or political grounding and is also morally wrong because it leaves out the person who did commit the crime, who carries personal responsibility and can be held accountable for their actions. On the top of that, as Arendt said, "Where all are guilty, nobody is."<sup>69</sup> We may, however, figuratively feel

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67 Nwogu, 2010, p. 279.

68 Nwogu, 2010, p. 284.

69 Arendt, 20003, p. 147 - 158.

guilty for the things we haven't done, otherwise, it is as wrong as not feeling guilty for crimes we have committed because it exculpates real culprits.<sup>70</sup>

On the other hand, it is right for an individual to feel *collective responsibility* on behalf of their community for the crimes committed in the past: "And as for the nation, it is obvious that every generation, by virtue of being born into historical continuum, is burdened by the sins of the fathers as it is blessed with the deeds of the ancestors."<sup>71</sup> After all, every generation directly or indirectly benefits at the expense of others' victimhood. "Vicarious responsibility" for the things we have not done is inescapable; it is the price we pay for living among other people.<sup>72</sup> Therefore, collective responsibility always has political character. Every government assumes *political responsibility* for deeds and misdeeds of its predecessors.<sup>73</sup> In case, however, when this "heritage" is not accepted i.e. committed crimes are not acknowledged and perpetrators are not punished, the needs and rights of victims are ignored, then it may no longer seem to be a matter of collective responsibility but a matter of *collective guilt*. The fact that despite trials, apologies, commemorations and memorials, genocide is not still simply attributed only to the Nazis, but all "Germans," a Bosnian, Serb or Croat are not seen as perpetrators, but "the Bosnians," "the Serbs," and "the Croats" are, just as it is the case in Rwanda proves how demanding this effort is.<sup>74</sup>

At this point functionality of restorative justice mechanisms become evident again. Instead of perceiving crime as only violation of the law, it sees it as damage done to people and their relations, where damage is not taken separately from inequalities and power relations between perpetrators and their mandatory. It also brings to light responsibility of the organizations that legitimized crimes and bystanders. Being a bystander to injustice is one of those wrongdoings that cannot be punished but only when we explain *how it could have happened* and accept *possibility of collective political responsibility*, can we decrease the possibility of these events from reoccurring. Without doubt, one of the stages in that process is exposing the truth.

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70 Arendt, 2003, p. 147-148

71 Arendt, 2003, p. 27.

72 Arendt, 2003, p. 158.

73 Arendt, 2003, p. 27.

74 Mendeloff, 2004, p. 368.

## **Right to Truth**

Notions of “right to know” or “right to truth” recently entered legal and intellectual debates. They express right to know truths about how human rights violations occurred, who were the perpetrators and what were reasons and circumstances. It is both an individual and a collective right of the victims, relatives and their representatives. In international agreements the right to know what happened is not limited to victims and their families only and is not subject to *statute of limitations*. It belongs “to the people” and is related to “history of oppression” as “part of their heritage.” It is inalienable and unassignable right protected by international law. The United Nations laid out principles for investigating and “*combating impunity*” of human rights violations and vested the states with responsibility to protect “collective memory” and to that end to establish independent and effective courts, truth commissions or similar investigative bodies.<sup>75</sup> In another UN document the right to truth is “one of the legal measures” along with “access to justice” and “rights to remedies.”<sup>76</sup> Measures to satisfy victims’ expectations are highly important. In terms of the right to truth *verification of the facts and full public disclosure of the truth* is important but only under condition that safety and interests of victims, their relatives and witnesses as well as those who helped the victims or tried to prevent further violations are protected and not threatened. Furthermore, satisfaction of victims’ expectations, among others, must include: search for the whereabouts of the executed, search for identities of abducted children and the executed; assistance *in recovery, identification, and reburial of remains of murdered victims* in accordance with cultural practices; *public apology*, including acknowledgment of the facts and acceptance of responsibility.<sup>77</sup> Moreover, even in cases when direct responsibility cannot be attributed to the states, responsibility to: establish facts about state’s violations; to

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75 “Impunity: Report of the Independent Expert to Update the Set of Principles to Combat Impunity, Diane Orentlicher, Addendum, Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity.” United Nations Document E/CN.4/2005/102/Add. 1; For more detailed analysis see: Walker, 2010, p.526-527.

76 „Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.” United Nations Document A/RES/60/147 (2006); For more detailed analysis see: Walker, 2010, p. 527- 528. Principles for reparations include five elements: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. In order to restore pre-violation conditions, compensation and remedy for the damages, generally in the form of financial and psychological support, provision of social and medical services should be provided.

77 Ibid. Art. IX.

reveal whereabouts of the victims and perpetrators; criminal prosecution of the perpetrators/persons in charge or those who lacked will to prevent violations, never ceases to exist.

Let us mention briefly another responsibility of the state that never ceases: apology. In Tanil Bora's view, form and manner of an apology must not be arrogant and cynical in order not to offend the victims anew: "*an 'abstract' apology that does not mention precisely actions or does not specify on whose behalf it is said, or who it is addressed to, will remain or may remain only flimsy and pointless gesture.*"<sup>78</sup> For instance, in 2010 National Assembly of the Republic of Serbia offered apology for crimes committed against Bosnian population in Srebrenica: "extending on the occasion condolences and apologies to the families of the victims that everything possible had not been done to prevent the tragedy." The fact that the declaration used word "tragedy" instead of "genocide," raised objections among relatives of the Bosnian victims.<sup>79</sup> Precisely for reasons such as these, apology must not be one-sided, peremptory point, but a progressive process that allows negotiations of the meaning and context; as Bora said an apology entails: "abandoning obstinateness-deafness and becoming all ears for new sentences."<sup>80</sup> In order not to make matters worse by the apology, one must not avoid naming the crime and using word "apology," but must mention victims and perpetrators, in other words, must not shy away from the truth. The truth itself and an apology that yields truth constitute reparations.

Margaret Urban Walker discusses "reparation as the right to truth" and she primarily argues that any kind of reparation is *symbolic* because cannot otherwise be reparations. She argues that what gives meaning to and constitutes reparations are expressive acts of acknowledgement of the offence and injury, taking *responsibility* and *intent to do justice*. Without these constitutive acts, She says, regardless of material and monetary value of given compensations, reparations are not meaningful. What is more, she underlines that such symbolic reparations as public apology and memorials are never "real-time" and effective transactions just like material reparations are always only symbolic: "Apologies necessarily use words, and memorials use visual, tactile, and verbal materials in representative ways in order to conduct this transaction; so too is the monetary payment the symbolic use of a financial instrument to conduct

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78 Bora, 2013, p. 88.

79 See: Günal and Özengi, 2013, p. 242-243.

80 Bora, 2013, p.89.

the same kind of transaction.<sup>81</sup> In both cases, the purpose of the transaction is to restore relations and create real effects of psychological, moral, social or political kinds. She further points out: "Indeed, if the transaction misfires or is poorly executed the effects are likely to be quite real as well: resentment, outrage, bitterness, cynicism, litigation, and protest, to name a few."<sup>82</sup>

In fact, it can be reminded that it is almost impossible to repair what cannot be compensated by any material or symbolic reparation and that's why sincere gestures known as symbolic reparations could be more meaningful and constituent. In this sense, telling the truth is both *sine qua non* and a constituent of reparations.<sup>83</sup> Inasmuch that telling truth, according to Walker, is in itself an act of reparation. For instance, she says, with regard to seriously wronged relations as a result of human rights violations, truth telling restores trust and hope, which are elements of reparations.

Why truth telling, formal acknowledgement and public awareness of it are so important? Victims often do not even believe what they have been through or seen themselves. Perhaps they put themselves in others' shoes and think that no one would believe that such atrocities *cannot be real*, perhaps they sense that they would have to force people to believe them. Conceivably, they may want not to have experienced that and as a way to forget they try to think that their suffering *did not really happen*. Exposing truth about what really happened, formal acknowledgement and public awareness of it, allow victims to again believe themselves and people they have to live with. It has not only psychological and moral significance, but by all means, also political and social bearings.

Direct relationship between formal acknowledgement of truth on the one hand, and political legitimacy and social peace, on the other, is indisputable. Exposure of the truth is crucial with regards to preventing state violence from reoccurring, stopping the conflict, not forgetting the past and appeasing tendency for retribution.<sup>84</sup> What is more, public and official exposure of the truth can be itself perceived as a form of justice.<sup>85</sup> On the other hand, in post-conflict societies, where democracy is not yet settled, a will to come to terms with the past may be frail and probability for exposure of the truth

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81 Walker, 2010, p.530.

82 Ibid. p. 530.

83 Ibid. p. 530.

84 Mendeloff, 2004, p.359.

85 Goldstone, 1996, p.491, Mendeloff, 2004, p.360.

may, beyond doubt, be both weak and uneasy for some section of the society. These concerns, however, instead of delaying demands for disclosure of the truth and official acknowledgement of it, must set ground for such demands. Truth may seem to pose a threat to reconciliation, peace and democracy in the short-run, but in the long-run, it asserts the relations building reconciliation, peace and democracy.<sup>86</sup>

Truth and Reconciliation Committee of South Africa distinguishes four types of truth: “factual/forensic truth,” which refers to legal or scientific notion of evidence; “personal and narrative truth,” which refers to narratives of victims and perpetrators; “social truth,” which is established through interaction, discussion and debate; “healing and restorative truth,” which contributes to the reparation of the damages and to the prevention of the recurrence of abuses in the future. International/national courts operate within limited scope of forensic truth and pass rulings based on forensics, whereas official/unofficial truth commissions focus on personal truth that complements forensic truth. According to the Truth and Reconciliation Committee of South Africa, “social truth” comes into existence through exchange and interaction and once it gains public acknowledgement, it turns into “healing and restorative truth,” establishing a relation between notions of truth on one hand and justice, reconciliation and peace on the other.<sup>87</sup> Connection between truth and justice is indisputable, but in a number of discussions in various contexts it has been established that the direct correlation between truth and reconciliation or truth and peace does not exist. These discussions will be covered when necessary, but here it will suffice to say that victims do not find them reasonable.

### ***Truth Commissions***

Where “a mechanism with punitive power guarantees the authority to tell the truth in a binding manner,” in other words, where courts do not exist, truth commissions offer space for free speech and preservation of the truth.<sup>88</sup> It is neither possible nor necessary to determine ideal model for truth commissions since they operate in every country under different circumstances and perform different functions, thus commissions take var-

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86 For arguments of the opposite see: Mendeloff, 2004, p.372-375.

87 Truth and Reconciliation Committee of South Africa Report, 1998, <http://www.justice.gov.za/Trc/report/finalreport/Volume%201.pdf> [retrieved 2.04.2014]

88 Sancar, 2010, p.100, 108-124.

ious forms. To provide maximum efficiency for any truth commission and lay out principles for operation, experience gathered around the world is invaluable.<sup>89</sup> These principles must be compatible with conditions, socio-economic structure and political culture of a given country. What is more, not only the state, oftentimes rather than the state, civil society organizations and social movements must be involved in the process. In this sense, from civil society organizations' perspective truth commissions can be seen as a new instrument of democratization.<sup>90</sup> On the other hand, to realistically see the limits of truth commissions' as *one* of the tools that carry potential to come to terms with the past shall prevent invalidating expectations from the commissions.<sup>91</sup>

*Official* truth commissions are sanctioned by the state since they are established by a new regime that wants to break with the past and its predecessors. Inasmuch *national* they are, commissions have also *international* character. *Unofficial* commissions involve communities that were parties to the conflict, human rights organizations, universities and other civil society organizations and initiatives and have therefore *national/local* character. Their common trait, however, is the fact that they work to expose truth about human rights violations from the recent past and to build a more democratic, stable and just future for the society.<sup>92</sup> Louis Bickford points out that truth commissions make it difficult to deny or trivialize victims' experiences by making them not only widely known, but also by *officially acknowledging* them.<sup>93</sup> Priscilla B. Hayner listed goals of truth commissions as follows: "to discover, clarify, and formally acknowledge past abuses; to address the needs of victims; to 'counter impunity' and advance individual accountability; to outline institutional responsibility and recommend reforms; and to promote reconciliation and reduce conflict over the past."<sup>94</sup>

Truth commissions provide better results when their mechanism is coordinated with criminal prosecution, reparation programs and institutional reforms. On the other hand, they inherently focus on crimes against humanity, overlooking corruption, economic crimes and other abuses. Exposing the

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89 Gonzales and Varney, 2013; Truth Commissions, 2014.

90 McConnachie, 2004.

91 For more in depth view of truth commissions see: Sancar, 2010, p.108-124.

92 Bickford, 2004, p.996.

93 Ibid. p.996.

94 Hayner, 2011, p.20.

truth may have cleansing and healing function, but it also, more importantly, “narrows the range of permissible lies.<sup>95</sup> Truth commissions do not work with current human rights abuses, but with those that happened in *recent past*. Nevertheless, their research on the source and degree of abuses and how these abuses were overlooked or hidden sheds light on their systematic nature. While doing all that, truth commissions give priority to voices of survivors, victims, victims’ relatives and witnesses. They are not permanent bodies, as they operate within temporal boundaries and once a commission’s mandate ends it is supposed to present a report containing analysis of past events and recommendations for the future.

Bickford reminds that the first example of truth commission is the Argentine National Commission on the Disappeared Persons (1984), although Uganda’s Commission of Inquiry into Disappearances (1974) fits the definition too.<sup>96</sup> In the last four decades, sometimes in the same countries, many different examples of commissions can be observed. While some of them were highly successful, others did not meet standards of what we today define as truth commissions. Just like Hayner argues, however, weak or unsuccessful examples should be registered in order to learn from them.<sup>97</sup> In this study we will not discuss successful or unsuccessful example of truth commissions, but will mainly focus of their geographical distribution and some general comments.<sup>98</sup>

First of all, the list of truth commissions indicates that without exception, every state is established on the events that require a truth commission. On the other hand, most commissions on the list were established in countries of Africa, Latin America and Far East i.e. “Third World countries.” Truth commissions operating in the European Union countries and the United States of America are exceptional. Is it because these countries managed to come to terms with the past in a way that not demanded any commissions? Or is it because truth commissions attributed to peace processes are the manifestations of neo-colonialism? Patricia Lundy and Mark McGovern argue that truth commissions established with support of international political and financial institutions, are in fact tools of neo-colonialist policies which through prefabricated “justice packages” aim at imposing Western-style lib-

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95 Ignatieff, 1996, p. 110 [in:] Bickford, 2004, p.996.

96 Bickford, 2004, p.997.

97 Hayner, 2011, p.12.

98 For list of truth commissions see: Appendix I.

eral democracy and neo-liberal economic growth in post-conflict societies.<sup>99</sup>

Nazan Üstündağ also argues that since the 1990s some kinds of universally recognized peace processes omit the word “colony” from circulation to still serve the benefit of the hegemons. Present on the agenda “relations of indebtedness” cannot be improved by such terms as peace process, reconciliation, disarmament and transition to democracy since these terms are just a distraction from term “colony” and *conflict* which renders “historical debt, other forms of responsibility, exploitation and unequal relations” invisible.<sup>100</sup> The payback of the *debt* demanded by the wronged peoples does not only refer to the lives lost during the conflict and material and mental losses, but also to dignity and decision making capabilities they were deprived of during colonial period. Perhaps it is impossible to collect the debt, but local and unofficial quests for justice, working in opposition to *international peace industry*, transform reconciliation packages prepared by this industry to the advantage of the victims.

### ***Unofficial Truth Efforts***

State authority sanctioning official truth commissions grants them legitimacy and creates demands for results on the account of financial resources, access to documentation and evidence and, most importantly, status, recognition and visibility that come with state’s involvement. On the other hand, truth telling process gains greater significance when design, conduct, character and outcomes of the process are organized in, with and by members of the community.<sup>101</sup> Bickford investigates such unofficial truth telling projects of *commission-like efforts* and documentation centres or other non-governmental organizations.<sup>102</sup> Such efforts and projects are oftentimes “precursors” of future truth commission or trial. “Mock-trials/tribunals,” which are unofficial criminal courts without judicial power are examples of unofficial truth telling projects (for instance, Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery, known as Tokyo Women’s Tribunal was established in 2000 to examine violence against women during WWII). Bickford also includes in unofficial truth telling projects art, theatre, poetry, literature as well

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99 Lundy and McGovern, 2008, p.276-277. Lundy and McGovern criticize UN „experts” who in Kosovo, East Timor, El Salvador, Guatemala, Ivory Coast, Liberia and Haiti worked to establish transitional justice processes.

100 Üstündağ, 2013.

101 Lundy and McGovern, 2008, p.271.

102 Bickford, 2007, p.1003.

as creation of memorials that focus on the past. Below are some examples of unofficial truth projects.

A group of lawyers published an investigative report “Brazil: Never Again” (*Brasil: Nunca Mais*) based on copied court transcripts of military personnel accused of crimes during period of military junta (1985).<sup>103</sup>

In Uruguay SERPAJ (Peace and Justice Service) gathered a team of lawyers, doctors and human rights activists who prepared a report *Uruguay: Nunca Más!* The report consisted of interviews with victims and statistical data (1988).<sup>104</sup>

In Guatemala Recovery of Historical Memory Project led by the Catholic Church compiled testimonies of victims of war in a final report *Guatemala: Nunca Más*. This independent truth telling project was a complement to a formal truth commission i.e. Commission for Historical Clarification (1998).<sup>105</sup>

In Zimbabwe two civil society organizations (Legal Resources Foundation and Catholic Commission for Justice and Peace) in response to ineffective works of official commission and amnesty laws, released in 1997 a report on human rights violations based on testimonies and evidence: *Breaking the Silence, Building True Peace: A Report on Disturbances in Matabeleland and the Midlands 1980-1989*.<sup>106</sup>

To foster nascent peace process of the early 1990s, the Northern Ireland Office established in 1997 a Victims’ Commission that released a report, which recommends access to financial compensation, trauma counselling and support services. At the same time Northern Ireland Association for the Care and Resettlement of Offenders worked to involve paramilitary ex-combatants released from prisons in restorative justice projects.<sup>107</sup>

Community members of Northern Ireland’s town of Ardoyne prepared a report *Ardoyne: The Untold Truth* in response to insufficient official Bloomfield

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103 Bickford, 2007, 1005-1007; <http://bnmdigital.mpf.mp.br/#/>

104 Bickford, 2007, 1007-1009; <http://www.serpaj.org.uy/serpaj/>

105 Bickford, 2007, 1010-1012; <http://www.odhag.org.gt/html/Default.htm>

106 Bickford, 2007, 1012-1014; <http://www.hrforumzim.org/publications/reports-on-political-violence/reaking-the-silence/>

107 Aiken, 2010, p. 176-178. For more about works of the commission see: <http://www.cvsni.org/>. Aiken also describes dispute between Republicans and Unionists over release of imprisoned ex-combatants. Unionists perceived release of paramilitary prisoners as a “sacrifice of justice” or “travesty” of justice while the nationalist community was in favour of their release since they perceived their cause as a political struggle against unjust state.

Report. The report comprised of interviews with family members of about ninety nine members of the community killed during the “Troubles.” (2002) <sup>108</sup>

To investigate violations during Ba’th party period the Iraq History Project was established by the DePaul University, USA. In the years 2005-2009 the Project aimed at creating victim-based record of past crimes.<sup>109</sup>

The Documentation Centre of Cambodia was established in 1995 by Yale University Cambodian Genocide Program in order to investigate massacres during Democratic Kampuchea/Khmer Rouge regime and to identify perpetrators. Oral history, books, magazines and movies produced by the Centre paved the way for the Khmer Rouge Tribunal which was inaugurated by the Royal Government of Cambodia in collaboration with the United Nations.<sup>110</sup>

Human rights activist Nataša Kandić founded the Humanitarian Law Centre in 1992 in Belgrade. The Centre worked with the Research and Documentation Centre from Sarajevo and *Dokumenta* from Zagreb in order to take war criminals to the ICC.<sup>111</sup>

Spain is an example of a country that “made a successful transition to democracy without confronting its past,” but three decades later it is in the vanguard of search for justice. Since 2000 the Association for the Recovery of Historical Memory has focused on exhuming the remains of Franco’s regime buried in mass graves around Spain.<sup>112</sup> Stephanie Golob believes that Spain is in the process of movement from transitional justice culture towards post-transitional justice politics. Personal memory was kept away from the public sphere while collective memory was kept in the “deep freeze” but in 2007 with Zapatero government’s Law of Historical Memory collective memory was released from the “deep freeze.” One of the dimensions of that period was the struggle to include into an on-going project of writing that national grand narrative “the other Spain” i.e. “anti-Spaniards” labelled a threat to national securi-

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108 Lundy and McGovern, 2008; Bickford, 2007, p.1014-1016. Lundy and McGovern underline reciprocal study visits and collaborative work of Ardoyne Community Project and *Guatemala: Nunca Más* project . for more details about Ardoyne Community Project see: <http://cain.ulst.ac.uk/issues/victims/ardoyne/ardoyne02a.htm>.

109 Bickford, 2007, 1018-1020; [http://www.law.depaul.edu/centers\\_institutes/ihrli/projects/iraq.asp](http://www.law.depaul.edu/centers_institutes/ihrli/projects/iraq.asp).

110 Bickford, 2007, 1020-1023; <http://www.dccam.org/>

111 Bickford, 2007, 1023-1025; <http://www.hlc-rdc.org/>

112 <http://www.memoriahistorica.org.es/joomla/>; See: Golob, 2008, p.134.

ty and thus tortured and disappeared.<sup>113</sup> Spain is an important example that coming to terms with the past might be delayed, but cannot be cancelled.

In Lebanon in 1982 families of the victims of enforced disappearances came together and established *Committee of the Families of Kidnapped and the Disappeared* to find disappeared relatives. In 1990 relatives of detained and disappeared by Syrian intelligence created *Support of the Lebanese in Detention and Exile (SOLIDE)*.<sup>114</sup> In 2004 *UMAM Documentation and Research* came into being and works to create archives, collect memories, deliver workshops and publish books.<sup>115</sup>

In Israel, *Zochrot* has done inspiring work among Jewish community to create conditions for “return of the Palestinians refugees” of 1948 War, when their homes were demolished in what they call a catastrophe, *Nakba* in Arabic. *Zochrot* collects and publishes photographs, testimonies and maps and organizes tours to the old former Palestinian settlements.<sup>116</sup>

These examples correspond to one of the most encouraging parts of this study, not simply because they enrich and empower the search for justice but also they compose the list that some rare developments in Turkey can be added to. In 2007 Diyarbakır Prison Truth and Justice Commission was established by the 78'ers Foundation. The Commission aims to document torture and disappearances in Diyarbakır Military Prison, based on testimonies of former prisoners, their relatives and documents pertaining to period before and after military coup of September 12th 1980.<sup>117</sup> Truth Justice Memory Centre is another important endeavour. Set up in Istanbul in 2011, Centre aims to expose truth about and document, in accordance with international standards, past human rights violations, to protect collective memory about those violations and to serve pursuit of justice.<sup>118</sup> Human Rights Association

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113 Golob, 2008, p.135; Escudero, 2014.

114 <http://www.solidelb.org/>, Jaquement, 2009.

115 <http://www.umam-dr.org/>

116 <http://zochrot.org/en/>

117 [http://www.78li.org/index.php?option=com\\_content&view=article&id=134:diyarbakir-cezaevi-gercekleri-aratrma-ve-adalet-komisyonu&catid=49:hakikat-komisyonu&Itemid=64](http://www.78li.org/index.php?option=com_content&view=article&id=134:diyarbakir-cezaevi-gercekleri-aratrma-ve-adalet-komisyonu&catid=49:hakikat-komisyonu&Itemid=64) for information in English see: <http://www.memorializeturkey.com/en/memorial/diyarbakir-military-prison-project/>

118 <http://hafiza-merkezi.org/>, Center runs also “database of forced disappearances” and prepares reports to prepare ground for future truth commission of criminal prosecution. One of the Center’s projects is a website “Memorialize Turkey” which is a “collection of information on memorial projects in Turkey, highlights positive examples of memorialisation among the many groups and individuals that have suffered harm

(1986), among other things, carries out important work in Kurdistan to document forced disappearances, mass graves, maps and other resources.<sup>119</sup> In 2007 Mesopotamia Missing Individuals' Family Solidarity Association was established to work on forced disappearances and murders by unknown perpetrators, including PKK militants as victims.<sup>120</sup>

There is another list, that Turkey can be part of, i.e. list of social movements and organizations that prepare ground for justice and truth commissions by creating social awareness, pressure and memorializing the past. The most prominent example in Turkey from this list is Saturday Mothers/People, a movement similar to Mothers of Plaza de Mayo in Argentina.<sup>121</sup> It is a movement of mothers and relatives of the disappeared, who want to learn whereabouts of the disappeared and to that end, meet regularly in public places. Saturday Mothers/People started gathering at first in Istanbul, at Galatasaray Square, but with time their meetings spread to many cities on Kurdistan and were joined by men.<sup>122</sup> An association established by families of the disappeared by Nepalese government in Kathmandu is an example of a similar movement.<sup>123</sup> Both movements, just like the Mothers of Plaza de Mayo, stem from lack of respect on behalf of official institutions and their long pursuit of justice provide important basis for the future. Iolanda Jaquetmet reminds that search for the missing “is not about the dead but about the living” and

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or grievance over past 100 years in the late Ottoman Empire and the Republic of Turkey.”

119 <http://en.ihd.org.tr/>

120 MEYA-DER has not got a website yet. Information about MEYA-DER's projects on DNA database and forced disappearances can be found on Truth Justice Memory Center's website.

121 In the aftermath of a military coup in Argentina in 1977 many people were forcibly disappeared. To learn about whereabouts of the lost ones, women started meeting every Wednesday at one of Buenos Aires' squares, i.e. Plaza de Mayo and with time became known by this name. In 1986 group split into two factions. Women who opposed state's return of the bodies without investigation to find perpetrators established the Mothers of the Plaza de Mayo Association. Those, who looked more favourably at government's move, established the Mothers of the Plaza de Mayo – Founding Line (see: Goddard, 2007). Despite division both groups meet together at the same square to this day.

122 There is another similar initiative in Turkey: Martyrs' Mothers i.e. mothers of soldiers of the Turkish Armed Forces who died in fights against the PKK. There are significant differences between Saturday Mothers/People and Martyrs' Mothers in terms of political worldview, understanding of peace and pursuit of justice. These differences will be further discussed in Chapter III.

123 See: Robins, 2011.

that “a healthy country cannot be built on mass graves.<sup>124</sup>” That part of the issue, the one that pertains to the living, namely memory, mourning, forgiveness, resentment and political friendship will be discussed in the next chapter.

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<sup>124</sup> Jaquemet, 2009, p.89.

## Chapter 2

### Politics of Past

The relationship between collective identity on the one hand, and memory, mourning, forgiveness and resentment on the other, constitute conceptual core of politics of past. In this study we had an opportunity to discuss some of these core notions with the interviewees. In the next chapters we will present their views and understanding of these concepts. Here, however, we will focus on some important aspects of such rich discussion pertaining to the subject matter.

#### **Memory**

Memory, in general view, is a selective and changeable entity, as remembering depends on time and place we are in and it can always yield different memories of the same event. Therefore, memory cannot be seen as a set of subjects, images or feelings or a passive entity, but as *almost living entity*. Above all, we cannot say that memory is related to the past events, in other words, *memory* is not *history*.<sup>125</sup> On the other hand, in Paul Ricoeur's view, testimony provides transitional structure between memory and history because "we have nothing better than memory to signify that something has taken place, has occurred, has happened *before* we declare that we remember it."<sup>126</sup> "Testimony" is an interference against memory in the memory-history relation. As Sancar pointed out: "'memory', since time immemorial, as opposed to 'history' controlled by the power and scholarly-professional authorities, has been the revenge of the wretched and belittled; it is a concept representing the 'small history' which cannot claim its rights to the 'grand history.'<sup>127</sup>" In opposition to power's linear progression in time (history), people's time (memory), even if not present in the archives, monuments or memorials, is part of their daily lives, it continues to exist "dancing" and "jumping."<sup>128</sup>

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125 Rosoux, 2004, p.161.

126 Ricoeur, 2004, p.21. [Author's emphasis]

127 Sancar, 2010, p.65-66.

128 See: Gillis, 1995 p.6, Özsoy, 2014, p.311. In Özsoy's view through "interaction between memory and space/venue in daily life" the intervention against memorials "invalidated and it undermines the time of the powerful and homogenization of space as well as attempts at cleansing of heterogenic or anti-hegemonic mnemonic practices and imaginaries." Kurdish stories about Sheikh Said's lost burial site and execution place in Diyarbakır, Dağkapı Square, and daily practices that step from these stories, even if they may not be a result of the lack of Sheikh Said's tomb, transform Dağkapı Square into a

Memory is seen as a highly personal matter, but its collective dimension is constituted in a relation between identity and memory. Personal *self-identity* is formed through awareness of one's doings, thoughts and being. Unconscious living does not tell who one is, does not earn them an identity. Consciousness, however, comes with thinking; thinking about what was lived, done. Making sense of and naming all these lead to a discovery of what makes one a *self*, to *awareness* of who one is and comprehension of one's being. To gain consciousness and to comprehend, one must think, and to think, one must remember. Thereby, the relation between memory and identity is established.<sup>129</sup> Collective memory can be described both as something parallel and a part of this relation. If personal identity and ways of remembering are based on social mechanisms providing identification with events seen as constitutive for that society, one of the elements creating personal memory is social/collective memory or, in other words, social/collective identity.<sup>130</sup> Collective identity is a collection of traces left by the events that have shaped the course of history of a given group and it also assumes the power to place on stage common memories via holidays, rites, commemorations and public celebrations.<sup>131</sup>

The power to place on stage, to bring into public sphere, is very important. The relation between this power and *mourning* will be discussed later, but here we will briefly touch upon the location of mourning on "the stage." Of course the entire political and public sphere can be seen as an appropriate space for collectivization of memory and mourning. However, prisons, camps, torture and interrogation camps, killing fields or mass graves are spaces conducive to collective pain and mourning. They can be protected and transformed into museums or other commemorative spaces to become places of political memory. Existence of such spaces, especially for relatives of missing people, can be more valuable. In fact, memorials, just like cemeteries, can be seen as places that bring together bereaved people, lost ones and mourning.

Collective memory takes its power to place memories on stage, that is to bring them to public space, from the inclination of the owners of the memories towards each other, from coming together and staying together. More-

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"an environment of memory" p.336-337.

129 Ricoeur, 2004, p.104-105.

130 Sancar, 2010, p.42-43. In the same work Sancar discusses in detail different studies of memory and remembering as well as definitions and distinctions between personal and collective memory, communicative and cultural memory, declarative and procedural memory, negative memories and remembering. P. 38-62. See also: Assmann, 2001.

131 Ricoeur, 2004, p.119.

over, this inclination towards each other is not limited to the people living in the same age, but it extends towards future generations that will occupy memorial place and creates unavoidable relationship. Collective memory, in the sense of its entrance into public space, telling memories to the others and *making a story* out of the memories, is directly related to collective language. In this sense, collective memory is not just about remembering, but also about protection of the common language and hidden places of memory as well as sharing with others in the public sphere which equals collective agency. If we think of some of our close relations, that we have a right to attribute memories to, as a layer between individual and collective memory, then citizenship relations expected to contribute to a common political life, can be seen as one form of close relations.<sup>132</sup> By close relations, Ricoeur understands those who reciprocally and equally approve of one's existence and whose existence one approves of.<sup>133</sup> In this situation, what Ricoeur defines as close relations, can be also understood as political friendship in Aristotle's sense, where political friendship delineates social community and friendship understood as relation of just and virtuous people.

Thereby, a relationship between collective memory and idea of political friendship based on justice comes to the fore. One of the elements that transform collective memory into political matter are people's memories and shared recollection of injustices suffered by the society they are part of. Individual memories of the lost ones together with a joint decision as to who, what, why, when and how to remember, create collective memory. Collective memory claimed by the victims threatens states' official memory and legitimacy since it stains victory narratives, besmears *catalogue of the to be remembered and to be forgotten*. States struggle to destroy threatening and unofficial collective memory by disregarding those injustices, trying to erase them from history or legitimize. As elements of this struggle states discredit victims' losses, do not allow and disrespect mourning. Political friendship is a difficult relationship to be established between those citizens who are part of the state's efforts and the victims. Without establishing this relationship, living together will mean living in the mood of indifference, in Painter Odabaşı's words, between "them not remembering and us not forgetting."<sup>134</sup>

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132 Ricoeur, 2004, p.131.

133 Ibid., p.132.

134 Painter Odabaşı: "Onlar hatırlamaz ama biz unutmuyoruz", <http://www.ajansafirat.com/news/kultur/ressam-odabasi-onlar-hatirlamaz-ama-biz-unutmuyoruz.htm> [Retrieved 13 April 2014].

Why do they not remember? Arendt says that the safest way for a criminal to avoid apprehension and conviction is to forget their crime, not to remember and not to think of that crime again.<sup>135</sup> In her view, thinking and remembering “is the human way of striking roots, of taking one’s place in the world into which we all arrive as strangers.<sup>136</sup>” If abandoning thinking means abandoning living in this world with others, then forgetting means the same. If it possible not to remember by not thinking and not to regret by not remembering, then a person who separates oneself from the world and others because of committed crime, cannot return without feeling remorse. Clear memory of the victims, constant thinking and not forgetting perpetrator’s actions, presents an opportunity for a return. Moreover, thinking is an activity in which a person, who thinks, transforms oneself into a person, into a personality.<sup>137</sup> Perpetrator’s rejection of this activity, just like while committing the crime they avoid thinking, means that they have not left the moment of the crime and are reluctant to utilize faculty of judgment to make a distinction between right and wrong. Despite Eichmann’s “bad memory,” Arendt recounts how he repeated the same clichés when he referred in the court to events of importance to him. His incapability to speak was related to his incapability to think: “No communication was possible with him, not because he lied but because he was surrounded by the most reliable of all safeguards against the words and the presence of others, and hence against reality as such.<sup>138</sup>” These safeguards were his protection against thinking and remembering. In this way, a perpetrator cannot remember. They do not want to be reminded. They escape from anything that reminds them of the past, as if running away from a ghost. The past haunts us, it is its job to visit us, who are living now and want to live in the world as it is now.<sup>139</sup> To tell how the world has come to be what it is now. For the victims, being visited by the past is indispensable part of their lives, sense of their mourning.

### ***Mourning***

“Persons grieve alone but mourn together<sup>140</sup>” said Edward Weisband. Without a witness mourning is impossible and mourning transforms individual grief into a collective experience. Let aside the one of our personal relatives, we

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135 Arendt, 2003, p.94.

136 Arendt, 2003, p.100.

137 Arendt, 2003, p.105.

138 Arendt, 2012, p.59.

139 Arendt, 2003, p.270.

140 Weisband, 2009, p.363.

share the sorrow of our political friends for their lost ones by insistent sharing of the grief with them; that's how we become close in emotional, social and political terms. Particularly if the injustice that leads to personal grief has political, collective nature, the line between the mourner and the sufferer blurs. Mourning encompasses grief of the other and thereby insistence on collective mourning takes political form, turns into a form of politics.<sup>141</sup> According to Derrida, mourning and promise are constitutive and sustainable customs and experiences for a society. However, he acknowledges fragility of these experiences since mourning and promise are not mandatory, but possible experiences, if not lived in one shape then in the other, they harbour a possibility for a completely different society that would make a new social contract.<sup>142</sup> The way mourning and promise were experienced and on what they based, determines how that society lived in the past and how it will live in the future. Perhaps this is precisely why hegemonic states in the name of *nation* which they describe as *people's constitutive element* determine and make official rules how these customs must be practiced whereas, they usurp other people's mourning and promise customs.

The relation between peace and mourning established by Marc Nichanian is extremely meaningful: "the only way to make peace, is for both sides to respect mourning" and defines mourning as something that "gives meaning to death," "provides peace with death."<sup>143</sup> In this respect, showing respect to mourning means not intervening into others' commemoration, ceremony and the whole period of finding a meaning to death and making peace with it; if possible, trying to give them full-fledged opportunity to experience mourning. Mourning practices of the others, as described by Das, mean finding political equivalent of symbols and modes of mourning particular to that society.<sup>144</sup> Of course this effort calls for *becoming a partner in the mourning period* of the other and demands the will and the wish to *live together* beyond peace. This again can be called political friendship. Nichanian also pointed that in the end "if instead of making peace we choose to make friends we can carry the hope that dead will be taken into consideration."<sup>145</sup> However, orientation of a dominative state and the nation it claims to represent is to usurp

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141 See: Weisband, 2009.

142 Derrida, 1995b, p.355.

143 Nichanian, 2011, p.17, p.48.

144 Das, 2003, p.301.

145 Nichanian, 2011, p.15.

the mourning, when it does not pursue, let aside political friendship, peace and even finds peace as undesirable equality which can be defined as a loss of state's sovereignty.

Nichanian describes the *Catastrophe* Armenians faced in the period of the Ottoman Empire when they were "annihilated until the most vital point" as beyond loss and usurpation of their lives and property, but the usurpation of expressing the loss, of the symbolic power stemming from narrating that "blood, milk, wine, gold, marble were lost... heroes and fathers were lost".<sup>146</sup> He tells that the domination system has the power, "to eradicate people's power to mourn... the capacity to produce mode, in other words, the capacity to transform blood into meaning", which is implemented by prohibiting people to clean themselves of "traumatic emotions."<sup>147</sup> Traumatic emotions become devastating for a society if they are not turned into a scene, a performance, ceremony, commemoration, or a ritual routinely performed or collectively invented. In Nichanian's view, art is the only thing that can stop these devastating effects, and political undertakings are of secondary importance. So we shall continue to discuss the right to mourn by acknowledging that we are in this secondary field.

Every passing second destroys *now* and the only thing we are left with in our hands is the past, which we will never be able to fully hold in our hands.<sup>148</sup> Desire to hold the past is part of our, already discussed, infinite search for meaning and identity. That is why we have the need to remember. That's why memory is more a matter of the living than the one of the departed one. Again, that's why "death and loss are at the core of all identities and experiences."<sup>149</sup> But due to necessarily slippery nature of memory and inability to completely preserve memories, what is left is only mourning. Since loss and death cannot be undone, what allows the missing, the dead ones and the past stay with us is mourning. That's why Derrida sees the desire to have a relation with the past as always a matter of mourning.<sup>150</sup> Therefore, we also understand that the desire to archive, which is always a never ending work due to the lack of perfection and finality as a matter of mourning. Just in or-

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<sup>146</sup> Nichanian, 2011, p.189. Nichanian prefers not to use the term genocide but *Catastrophe*, which, according to him, defines more comprehensive and profound experience that Armenians had..

<sup>147</sup> Nichanian, 2011, 194-195.

<sup>148</sup> See: Dooley and Kavanagh, 2007, p.3.

<sup>149</sup> Dooley and Kavanagh, 2007, p.7.

<sup>150</sup> Dooley and Kavanagh, 2007, p.7-8; Derrida, 1995b, p.48-49.

der to give the past its due, we should keep archiving and opening archives to reinterpretation though and, in fact, because it will never be complete.

To keep memories of the lost ones vivid, one must constantly tell their stories, tell and interpret again and again, without censoring and shortening.<sup>151</sup> Otherwise, depriving their stories of the future, we would wrong the lost ones. In brief, no matter how incorrigible and full of reservations the archiving might be, thanks to it, past becomes part of the future. In this sense, like Derrida pointed out, archiving is an activity not only turned towards the past, but perhaps more towards the future, it is a matter of the future, an answer, hope, a promise, and issue of taking responsibility for tomorrow.<sup>152</sup> Thereby, we acknowledge that mourning is a matter of justice, a responsibility for both those left in the past and those in the future:

*“No justice (...) seems possible or thinkable without the principle of some responsibility, beyond all living present, within that which disjoins the living present, before the ghosts of those who are not yet born or who are already dead, be they victims of wars, political or other kinds of violence, nationalist, racist, colonialist, sexist, or other kinds of exterminations, victims of the oppressions of capitalist imperialism or any of the forms of totalitarianism.”<sup>153</sup>*

It is impossible to establish political friendship by ignoring the feature of mourning, which gives individual and group identity, strength to survive and lead live according to one's knowledge, that is, by abandoning concern for being just. That is why there is a close relation between mourning and political systems. “There is no politics without an organization of the time and space of mourning,” Derrida says.<sup>154</sup> Similarly, in Mbembe's view, funerals and burials are one of the primary modes of ritualizing membership in the space of citizenship.<sup>155</sup> Funerals, cemeteries, commemorative monuments, memorials and remembrance days determine state's policy as well as individual's and group's political existence. Those gatherings involve a promise extending from the past to the future. To those who perished in genocides, crimes against humanity, disasters, it is a promise that “we will not forget” and, at the same time, a responsibility for the future generations “to remember.” “Never again!” Well then, how will we not forget, or better yet, how will we remem-

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151 Dooley and Kavanagh, 2007, p.104.

152 Derrida, 1995a, 27.

153 Derrida, 2007, p.XVIII

154 Derrida, 1993, p.61.

155 Mbembe, 2002, p.266.

ber or how will we keep the promise? To ask with Göral: “How will we create new ‘customs of remembrance’...that suit the gravity of what happened?”<sup>156</sup> Göral’s reply to this question corresponds to the archiving efforts described by Derrida. She rightly finds the objection in the way “victimhood narrative should not be produced” irrelevant. Rightly, because the main problem lies not in victimhood narratives, but in the manner these narratives are utilized. Göral encourages alternative narratives that “destabilize official narratives” and present “alternative heroes,” for instance, people who objected against human rights violations. She suggests creation of different experiences of memorialisation and activism by plugging into the circulation those alternative narratives. This suggestion goes as far as to Arendt and has both political and humanistic dimensions:

*and there are simply too many people in the world to make oblivion possible. One man will always be left alive to tell the story. Hence, nothing can ever be “practically useless,” at least, not in the long run. (...) Politically speaking, it is that under conditions of terror most people will comply but some people will not (...) Humanly speaking, no more is required, and no more can reasonably be asked, for this planet to remain a place fit for human habitation.<sup>157</sup>*

What makes this planet habitable, are those who create, protect and keep collective memory, mourn for the lost ones and by doing all that resist and do not conform. They are also the ones we need to agree with upon the way to live together; finally, these are people we can establish political friendship with. Arendt puts forward that all political institutions which rely on contracts and agreements, unlike those which rely on sovereignty, leave the unpredictability and unreliability of people aside and erect certain guideposts of reliability and islands of certainty.<sup>158</sup> She argues however, when the faculty of making promise is misused to cover the whole ground of the future, and then the words lose their binding force. In this case, we must talk about unwillingness to make worthless promises or restrained will that renders islands and guideposts unnecessary. Both of them point to insecurity precluding a possibility for living together. They limit justice and peace efforts among people who are not allowed or are not capable of making promise or, in a political climate where promises are not kept. Below we discuss a similar faculty, which Arendt also discusses at length and which similarly limits justice

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<sup>156</sup> Göral, 2013, p.41.

<sup>157</sup> Arendt, 2012, p.239.

<sup>158</sup> Arendt, 2006, p.352 English 244.

and peace efforts besides determining the horizon of political friendship, and therefore becomes a subject of studies concerned with coming to terms with the past, namely, forgiveness.

### ***Forgiveness***

For Arendt, if the remedy for unpredictability is the faculty to make and keep promises, then the remedy for irreversibility of actions is the faculty of forgiving.<sup>159</sup> What makes these two faculties dependent on the existence of others is that giving a promise to or forgiving oneself lacks reality and abidingness and also communality. To make a promise and to forgive we need others. Before we move forward, there is one more point we would like to discuss. Arendt stated that the first one to discover the role of forgiveness, as one of human issues, was Jesus of Nazareth. Regardless of the Christian context, Jesus's teaching drew on experiences of small, closely knit communities standing against authorities in Israel and emphasized that not only God has the power to forgive, but all the people have it. In a sense Jesus extracts Godly faculty from every human being. However, Arendt's response to secular concerns is more critical here: "The fact that he made this discovery in a religious context and articulated it in religious language is no reason to take it any less seriously in a strictly secular sense."<sup>160</sup> Well then, what is the secular dimension of forgiveness? Nowadays, democratic regimes find it necessary to change death penalty into a different form of punishment, which can be perhaps counted as a laic practice of forgiveness.<sup>161</sup> What is more important is the transformative, regenerative and constitutive dimension of forgiveness for human relations, which needs to be defined in political terms.

If forgiveness is the only thing that can break the circle of violence and cut the chain of revenge, then it can play an important role in (re)establishment of political friendship in post-conflict societies. What makes forgiveness a human experience is neither supposed results it will bring about nor the meaning it might have, but only possibilities it can open. If violent actions are not answered with violence, violence can leave its place to the political. Here, the political refers to unpredictable and undetermined nature of humans, who always initiate new processes and use their power to free themselves. Fur-

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159 Arendt, 2006, p.342. English 235.

160 Arendt, 2006, p.344. English 236.

161 On the other hand, in Derrida's view, Christian understanding of life as a holy and divine being is the foundation of the notion of crimes against humanity and therefore international law has no secular basis whatsoever. (2001, p.7)

thermore, the political also means publicity of struggle and negotiations with the people. There is a need to find a language that will replace destructive irreversible violence. According to Arendt, in case when damage is irreversible the only way out from this impossibility is faculty of forgiving.<sup>162</sup> Moreover, on account of liberating and revivalist power of forgiving and being forgiven, irreversibility can possibly be mitigated and cohabitation restored.

Forgiveness involves unpredictability, another core feature of the political. As Arendt pointed to, contrary to vengeance “Forgiving, in other words, is the only reaction which does not merely re-act but acts anew and unexpectedly, unconditioned by the act which provoked it and therefore freeing from its consequences both the one who forgives and the one who is forgiven.”<sup>163</sup> The one who forgives becomes free of anger and grudge, while the one forgiven breaks free from the shackles of misdeeds. By forgiving, the victim brings unique faculty of action and power to start anew into effect. The perpetrator, meanwhile, gains capacity to be responsible as well as to act, be free. Forgiveness re-establishes responsibility of the perpetrator that would otherwise be taken away by an act of vengeance.

Opposition existing between vengeance and forgiveness does not exist between punishment and forgiveness. In addition, Arendt argues that they both have a capacity to end a circle of violence, which if not interfered with, would continue endlessly. Furthermore, she adds, people are unable to forgive what they cannot punish and they are unable to punish what they think is unforgivable.<sup>164</sup> She defines the perpetrators of the offences that can neither be punished nor forgiven as the perpetrators of “radical evil” which radically destroys human relations once it appears and can only find redemption on the “Day of Judgment.” Thereby, to forgive or to punish are nearly the same options, but both are invalidated if faced with perpetrators of radical evil i.e. crimes against humanity. Punishment and forgiveness become impossible and meaningless when the perpetrator blames the system or does not show remorse or, rejects responsibility for the inflicted damage. If, in Arendt’s words “ it is not the crime but the person to be forgiven”, in cases that Arendt defines as “rootless evil” i.e. perpetrators’ only explanation is that they simply acted upon orders and did not knowingly commit crimes, then there would

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162 Arendt, 2006, p. 342.

163 Arendt, 2006, p. 347 English p.341.

164 Arendt, 2006, p. 342. English p.341.

be no one left to be punished or forgiven.<sup>165</sup> Just like we are not able to forgive God, animals, natural disasters or inanimate objects, we cannot, even if we want, forgive an individual who abandons its personhood, i.e. being a human.

Derrida, however, rejects the relationship established by Arendt between punishment and forgiveness, and he, in fact, turns it to the opposite direction. In a century when monstrous crimes (thus unforgivable) that seem escaped from the measure of any human justice, the call for forgiveness has been reactivated, (by the unforgivable itself) according to him.<sup>166</sup> What renders forgiveness possible is the very impossibility to punish crimes against humanity. Thereby, human faculty of forgiving can be realized in forgiveness of the most radical evil or the nonpunishable. This conclusion, however does not mean “since we can’t punish, let’s forgive” attitude. To the contrary, the act of forgiving is a departure point for a philosophical debate about forgiveness. To punish or forgive are not equal choices. Forgiveness is an answer to the unforgivable, the nonpunishable. Derrida argues that if we only forgive the forgivable, then the fundamental idea and value of forgiveness will be lost. In brief: “forgiveness forgives only the unforgivable.”<sup>167</sup>

Derrida also rejects any conditionality for forgiveness because forgiveness in return for remorse or plea for forgiveness would reduce it to a simple mechanism. That’s why he argues that forgiveness should not be normal, normalizing, normative or *conditional*; it should be always exceptional, extraordinary, *unconditional* and cannot be subject to exchange or economic calculation.<sup>168</sup> It seems as if Derrida confirmed Turkish etymological roots for the word *bağışlamak* (to forgive). The root of the word comes from Persian word *bahş*, which means *benevolence, gift*.<sup>169</sup> In this case to forgive (*bağışlamak*) means to bestow upon (*ihsan etmek*). It reminds that forgiveness is fundamentally a grace, something we can describe as a gift. Unconditional nature of forgiveness means also for Derrida that it must not serve any aim, finality. Each time forgiveness serves any purpose, noble or spiritual, or attempts to

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165 Arendt, 2003, p.111.

166 Derrida, 2005a, p.33.

167 Ibid. p.32.

168 Ibid. P. 32, 34.

169 <https://www.nisanyansozluk.com/?k=ba%C4%9F%C4%B1%C5%9Fla-&Ink=1> The word *affetmek* (to forgive, pardon) comes from Arabic root *afw* and means to erase, release, and cancel the punishment. Even if both words are used in Turkish as equivalents, from the perspective of efforts to face the past, it is worth to remember different origins of these terms.

restore social, national, political or psychological normality, it loses its true meaning, he says.<sup>170</sup> Derrida is aware that his vision of forgiveness, based on unconditionality and lack of aim, finality, is indeed mad, but it is also the only thing that interferes with history, politics and law like a revolution, which surprises ordinary course of affairs.<sup>171</sup>

Taking into account hardly comprehensible, unconditional and aimless dimension of forgiveness, Derrida objects harnessing forgiveness in transitional justice period and especially in truth commissions, or, more specifically, using forgiveness as one of the mechanisms at service of reconciliation. The moment a third party intervenes, forgiveness is replaced by amnesty, reconciliation, reparation etc., he reminds.<sup>172</sup> Furthermore, he adds, in the era of globalization we live in now, we witness the transformation of forgiveness into a theatrical performance with the heads of states apologising or asking for forgiveness.<sup>173</sup> Giving Truth and Reconciliation Commission in South Africa as an example, Derrida objects to political and social use of forgiveness as a tool of healing to achieve reconciliation, salvation or restoration. In his view, mentioning forgiveness together with these goals is an abuse of the concept of pure forgiveness.<sup>174</sup>

It would seem that interpreting forgiveness as a personal, extraordinary, impossible and apolitical experience places Derrida's understanding far from efforts to come to terms with the past.<sup>175</sup> However, by discussing such concepts as justice, mourning, gift, hospitality along with forgiveness always in relation to politics, Derrida grounds the relations that make human a political being

170 Derrida, 2005a, p.32.

171 Ibid. p.39.

172 Derrida, 2005a, p.42.

173 Derrida, 2001, p.55.

174 Ibid. p. 56-58.

175 Actually Derrida's understanding of forgiveness could possibly correspond with Islamic understanding of giving one's blessings (*helalleşme, hakkını helal etme*). In Islamic tradition, giving blessings mutually means giving up claims held against one another. After this, deeds in question become lawful. Muhammad al-Bukhari in his hadith collection *Sahih al-Bukhari* wrote: "Giving blessings mutually are the oppressor's request of the wronged party to be forgiven. What Allah deemed as a sin, no one can render it lawful" (Abdi'l Latifi'z Zebidi, *Sahih-i Buhari Muhtasarı, Tecrid-i Sarih Tercesmesi ve Şerhi*, Diyanet İşleri Başkanlığı Yayınları, Ankara: 1984, VII, 376). However, *helalleşme*, just like forgiveness, can gain political meaning. In Abdullah Öcalan's letter read out in Diyarbakır during 2013 Newroz he mentioned it as follows: "Time is not for discords, conflict, to despise each other, but time is for concord, unity, embrace and giving blessings mutually." See: <http://www.bianet.org/bianet/siyaset/145269-silahlı-gucler-sinirdisina-artik-siyaset-donemi> [Retrieved 15 April 2014]

and the idea of political friendship with others, a common point with Arendt, and reminds about the main impulse to make an effort to come to terms with the past. This effort does not fit into existing political and legal hegemonic language and mechanisms; it is rather a demand to face such cardinal issues as exploitation, domination, inequality and violence. Ultimately our democracy will always remain deficient and justice delayed. Furthermore, in Derrida's view, we will always await democracy but this wait yields not lethargy but responsibility. As Arendt reminds, our moral and legal responsibility as individuals and political responsibility as members of a collective, are the human traits that cannot be cancelled or abandoned as long as we talk to ourselves and with each other in this world.<sup>176</sup>

The question who can forgive is another dilemma of forgiveness that is directly related to the subject of this study. In Derrida's opinion, only the dead or disappeared victims can legitimately forgive, survivors or the relatives of the dead and lost ones, even if are counted as victims, have no competence or may not have the will to forgive in the name of the dead.<sup>177</sup> Since the dead cannot forgive and forgiveness in their name is impossible, the issue of forgiving becomes an ethical and political problem that hinders our ability to talk about forgiveness anymore. Like giving testimony for the dead, forgiving turns into a decision survivors must make, not on behalf of the dead ones, but in the name of a possibility that they would be alive or in their own names.<sup>178</sup> It is not the dead who will live together with others, who will stop the violence and work for peace and justice, but the living ones. Survivors can forgive the offender for the pain they inflicted on them, for the loss and pain of the loved ones. Nonetheless, it will not be a genuine and absolute forgiveness. But from now on, the perpetrators will mourn for a possibility lost forever.

*I know that all the Hutus who killed so calmly cannot be sincere when they beg pardon, even of the Lord. For them, the Tutsi will always be their enemy. But I myself am ready to forgive. It is not a denial of the harm they did, not a betrayal of the Tutsis, not an easy way out. It is so that I will not suffer my whole life along asking myself why they tried to cut me. I do not want to live in remorse and fear from being a Tutsi. If I do not forgive them, it is I alone who suffers and frets and cannot sleep. I yearn for peace in my body. I really must*

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176 Arendt, 2003, 147-158.

177 Derrida, 2005a, p.44.

178 Quattrone, 2006, 148.

*find tranquillity. I have to sweep fear away from me, even if I do not believe the soothing words of the others.*<sup>179</sup>

These words belong to Édithe Uwanyiligira, Rwanda genocide survivor. She might not see her unilateral forgiveness as real, but it is based on a gift and is not an exchange, therefore it does have political dimension in the sense discussed earlier. Just like Uwanyiligira suggested, to forgive does not mean to forget. Actually, according to some, it is a decision as to how past suffering will be remembered and it can also be both an empowering and a healing process.<sup>180</sup> When perpetrators and responsible ones are left without a punishment, it is understandable that victims create a relation between forgiveness and forgetting and associate forgetting with impunity. On the other hand, when it is taken into consideration that forgetting is not under person's control, can easily be broken and it is a personal experience, while forgiving depends on a public statement and is formed by person's will and decision, it is an act that has an impact on people, then this relation between forgiving and forgetting becomes disputable.. In this sense, forgiveness without forgetting could be possible as a political gesture when the truth has been exposed, perpetrators and responsible ones judged and suffering publicly acknowledged. Peter Digeser also describes such political gestures when he mentions "political forgiveness" as a process to appear when "parties share common understanding of the character of the crime," and to be brought to agenda to contribute to peace and reconciliation processes.<sup>181</sup>

In the situation when victims and perpetrators have no choice but living together, setting ground for forgiveness by a series of small choices, restoring and acknowledging gestures that do not include direct demands for forgiveness may be more important.<sup>182</sup> As a matter of fact, one can argue that public plea for forgiveness may have a conditioning, coercive effect on the victim to grant positive answer.<sup>183</sup> Not putting pressure to forgive, but creating the

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179 Carse and Tirrel, 2010, p.46.

180 Kohen, 2009, p.405.

181 Digeser, 2001, p.33.

182 Carse and Tirrel, 2010, 55-58. Photographs and stories in The New York Times magazine from 6 April 2014 article titled "Portraits of Reconciliation," although may be disturbing and debatable, show how ground for forgiveness can be created. [http://www.nytimes.com/interactive/2014/04/06/magazine/06-pieter-hugo-rwanda-portraits.html?smid=fb-nytimes&WT.z\\_sma=MG\\_POR\\_20140404&bicmp=AD&bicmlukp=WT.mc\\_id&bicmst=1388552400000&bicmet=1420088400000&\\_r=3](http://www.nytimes.com/interactive/2014/04/06/magazine/06-pieter-hugo-rwanda-portraits.html?smid=fb-nytimes&WT.z_sma=MG_POR_20140404&bicmp=AD&bicmlukp=WT.mc_id&bicmst=1388552400000&bicmet=1420088400000&_r=3) [ Retrieved 14 April, 2014].

183 See: Saunders, 2011, p.138.

grounds for forgiveness is also politically more important. Irrespective of a possibility of forgiveness, at first, injustice must be recognized and also political and social measures need to be taken to appease victims' anger against perpetrators and bystanders of the injustices. In addition, forgiveness is not precondition for peace, but trust is, therefore forgiveness may be a *bonus, unexpected* result.<sup>184</sup> To build trust, there is a need for recognition of injustice and eradication of the conditions behind this injustice. Removal of social inequality that "may endlessly abuse rights" of the victims and "expose them to violence" can help trust building.<sup>185</sup>

Already discussed conditions for individual forgiveness brings us to the notion of "political forgiveness" which is suitable for efforts aimed at coming to terms with the past. According to Inazu, when multiple acts of individual forgiveness in a society are united into one narrative, then what comes as a result, and he uses here Dingeser's terms, is "political forgiveness."<sup>186</sup> He also reminds that since individual forgiveness ends violence, restores life and politics and has a positive impact on the society; it also bears great political potential. Inazu puts forward a list of such measures as finding and punishing perpetrators, disseminating values and precepts of a common life that the state, laws and traditional institutions can take to create an environment that would encourage personal forgiveness.<sup>187</sup> On the other hand, encouragement may turn into social pressure to forgive and victimise the victims again which equals another violation of their rights. Insomuch that encouraging forgiveness might in itself be an element of pressure. In fact, when victims that forgive perpetrators are presented as contributors to peace or, like in South Africa, as morally superior, it creates a dilemma from the perspective of unforgiving victims.<sup>188</sup> It eliminates victims' abiding right not to forgive.

There are also those who defend the need to encourage forgiveness on the grounds that it can have a positive influence on the victims. Pumla Gobodo-Madikizela argues that once the truth about perpetrators and the past is told and perpetrators show remorse and ask for forgiveness that is once it is known who can or cannot be forgiven, and then probable future forgiveness relieves the victim of anger, grudge, vengeance and other similarly negative

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184 Doorn, 2011, p.15.

185 Doorn, 2011, p.18.

186 Inazu, 2009, p.311.

187 Inazu, 2009.

188 See: Saunders, 2011, p. 125.

emotions.<sup>189</sup> She further claims that a perpetrator, who suffers, asks for forgiveness and regrets behaves again as a human being and therefore leaves the state of *unforgiven*. In Gobodo-Madikizela's view, forgiveness both humanizes perpetrators who have for long silenced their conscience and gives back dignity and humanity to the victims, whose pain becomes visible and public. She sees forgiveness as "humane moment" in the most authentic sense. On the other hand, it is not right to assert that victims who were deprived of their humanity and perpetrators who participated in the atrocities, who "abandoned humanity", meet at the same degree of humanity at that moment. In other words, if we were to disagree with Arendt, even if perpetrators only followed orders, they did not at all abandon position of thinking agents whereas victims were turned into subjects of violence. In this case perpetrators' desire to return to humanity is understandable, but what victims need are power and subjectivity. Forgiveness imposed on victims will not make them subjects again and neither making perpetrators human again is victims' duty.

The truth about perpetrator's action and the system they were part of, is in fact not unknown to victims. Most of the time, indeed, in cases of systematic violence, victims have broader and more reasonable perception than perpetrators. Therefore it is not always proper to assume the correlation between forgiveness and hearing facts and learning the truth.<sup>190</sup> Rebecca Saunderson's question "What possible good comes from empathizing with a person's ability to torture or kill (or order the torture or killing of) another human being?" starts a more important discussion.<sup>191</sup> She objects to such understanding of forgiveness that would suggest the need to accept the "fact" that everyone under similar circumstances, even the victims, could become offenders. This objection really means a rejection of an assumption that everyone under the same conditions would behave the same. It implies to forget that some rejected to obey orders or to ignore the possibility that some did not lose ability of thinking and judgment.

One must accept that some tragedies cannot be embraced, reconciliation might not mean forgiveness, suffering might not have social value or meaning, forgiveness does not have to always be appreciated, learning the truth might not be liberating or transformative and that personal suffering might

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<sup>189</sup> Gobodo-Madikizela, 2010.

<sup>190</sup> Saunders, 2011, p.134-135.

<sup>191</sup> Saunders, 2011, p.135.

not boil down to one national narrative.<sup>192</sup> Sipiwe Ignatius Dube, who investigated literary works pertaining to the issue of coming to terms with the past, reminds a question asked by one of the characters in Ariel Dorfman's *Death and Maiden* novel about post-Pinochet Chile; Paulina, talking about offenders asks: "What do we lose by killing one of them?" Dube discusses also a character's reaction against being made to believe in the uselessness of the cycle of violence, in the existence of a reason, in the meaning of the suffering, in the things they were taught, lessons given. "We cannot understand violence, there's no comprehensible definition of violence; we cannot say 'suffering has this or that meaning,' suffering has no meaning; therefore there is nothing to learn from the past we don't already know, there is no transformative knowledge; there is no such thing as social lessons to be learnt, national history to be written:" these are statements made by characters examined by Dube. We might be able to hear what victims are trying to say if we remember that what creates that feeling of nihilism and resentment is not the suffering itself but the forgiveness imposed on victims.

### ***Vexation and Resentment***

Jean Améry is a survivor of the Nazi regime. One chapter from his book written in 1966 *At the Mind's Limits* is particularly important for us: *Resentments*.<sup>193</sup> Originally it is a French word *ressentiment* and Turkish translation of this word is a topic for a separate discussion. Writers exploring this topic in different languages than French instead of translating used the exact term. Such discussions fall short of the scope of this study. First Turkish equivalent for *ressentiment* is *hınç* meaning "grudge" and other meanings include rancour, being hurt, anger, offence, annoyance. Grudge is defined in Turkish dictionaries as "anger full of sentiment of revenge." Nişanyan writes that Persian origin word *hınç* means "ferocious breath." In short *hınç*/grudge in Turkish means panting for revenge. However, rejection of forgiveness or reconciliation that will be discussed below cannot be explained as vengeance or rancour.

If we take into account origin of the word *ressentiment* and feelings it evokes in Turkish and combine it with *sentiment* which means sensibility, sensitivity, we can talk of resentment, feeling relived over and over that creates anger and vexation that turns into constant sensitivity. Not forgiving and not rec-

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<sup>192</sup> See: Dube, 2011, 9-11.

<sup>193</sup> Original German title is *Jenseits von Schuld und Sühne* and it was translated into English in 1980 under the title *At the Mind's Limits*. The chapter that interests us here in the original was titled *Ressentiments*, but here we use *Resentments*. (Améry, 1980).

onciling means being offended, vexed, insistence on being peeved, turning one's back on something, refusal to enter a relation, holding anger. At the risk of ignoring Turkish meaning of resentment which evokes uncontrollable malevolence, the state of mind we discuss here, we will describe as resentment, which from time to time might contain anger. However, in this study some of the situations we describe as *ressentiment* might need to be approached as vexation.

Jean Améry's wrote the book we have mentioned above in a period when the German people and state were trying to wipe clean the slate by referring to such legal proceedings as the Nuremberg Trials, Auschwitz case, Eichmann's prosecution and by arguing that anti-Semitism was finally over. Some began to question German responsibility for the genocide; some even claimed that the Germans were the victims of the Nazi regime, that it *was enough* of talking about Germany's Nazi past, that it was time to turn the page. In the same period, Arendt openly wrote how she was shocked by Auschwitz defendants' laughing, smiling, smirking impertinence toward prosecutors and witnesses, taking disdainful and threatening glances at the public.<sup>194</sup> "Should we pardon them?" asked Vladimir Jankélévitch observing that "lack of interest, moral forgetfulness and general superficiality turned forgiveness into a fait accompli." In response to those saying "it's enough" he appealed that the atrocity of that eternal and truly unnameable crime increased as it became a topic of scientific and legal analysis, whereas the natural reaction of those who still feel should have been struggling against forgetting the suffering, pursuing the perpetrators till the end of the world rather than throwing themselves into archives to investigate and making comparative research on the histories of violence.<sup>195</sup> He reminded that what they waited for a long time was, let aside an apology, a single act of understanding and sympathy and said it was "already too late" and "forgiveness had died in the death camps." In order to explain his unrest with the situation that was evident to Arendt and Jankélévitch, to raise his objection to those who said "let the bygone be bygone", and "to reach those who wish to live together as fellow human beings", Améry wrote a philosophical investigation on the moral nature and social function of his feeling of resentment.<sup>196</sup>

First of all, Améry asserts that they did not become wiser in Auschwitz, they

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<sup>194</sup> Arendt, 2003, p.228.

<sup>195</sup> Jankélévitch, 1996, p.558, p.569.

<sup>196</sup> See: Brudholm, 2008, p.78-79.

did not come to understand things that they would not in the outside world, they did not gain a deeper understanding.<sup>197</sup> Thereby, from the very beginning he halts any expectations of maturity from survivors, any demands for heroes. He quickly moves to his purpose which is to investigate, legitimize resentment so condemned by moralists and psychologists. As an equivalent to resentment, like Brudholm pointed out, Améry used two words interchangeably: *ressentiment* and *grudge*. In fact, *resentment* and *grudge* means being content with one's anger, not wishing to become less angry or to be asked to forgive, or even just not wanting to forgive.<sup>198</sup> Max Scheler in a similar way defines "ressentiment criticism" which is characterized by lack of satisfaction from improvements in the conditions criticized, even discontent with the improvements because it takes away delight of opposition.<sup>199</sup> What *resentment* and *grudge* have in common is transformation of anger into a personal characteristic, what in Turkish is seen as being "vindictive" or in Nietzsche's terms would mean being a "resentful man." The *resentment* which Améry refers to, however, is more like a vexation since it is a reaction to injustice and insensitivity, something like an angry sensitivity.

Scheler identified multiple sources of *resentment*: revenge, jealousy, slander, depreciating and trivializing malice, deriving pleasure from other's misfortunes, lack of control of one's spite, inability to vent these emotions or repression of these emotions due to fear or weakness.<sup>200</sup> While explaining *resentment* of the *servants* and those *under domination* he made important sociological observations:

There follows the important sociological law that this psychological dynamite will spread with the *discrepancy* between the political, constitutional, or traditional status of a group and its *factual* power. It is the difference between these two factors which is decisive, not one of them alone. Social *ressentiment*, at least, would be slight in a democracy which is not only political, but also social and tends toward equality of property. (...) I said that there is a particularly violent tension when revenge, hatred, envy, and their effects are coupled with impotence. Under the impact of that tension, these affects assume the form of *ressentiment*. Not so when they are *discharged*. Therefore parliamentary institutions, even when they harm the public interest by hampering leg-

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197 Améry, 1980, p.19-20.

198 See: Brudholm, 2008, p.87.

199 Scheler, 2004, p.12.

200 Scheler, 2004, p.9.

isolation and administration, are highly important as discharge mechanisms for mass and group emotions. Similarly, criminal justice (which purges from revenge), the duel, and in some measure even the press—though it often spreads *ressentiment* instead of diminishing it by the public expression of opinions.<sup>201</sup>

Isn't Scheler here implicitly referring to minority groups and victims of the modern world? Aren't survivors of wars, genocides and massacres pervaded by resentment that stems from accumulation of formal social and political equality and formal justice, formally balanced coexistence and from not abolished but repressed desire for revenge? Moreover, isn't it almost inevitable that the feeling of revenge "radiates", i.e., transgresses the action of the person it was first directed to and spreads to their characteristics, opinions, values and then to other people, relations, objects or situations that are connected to that person?<sup>202</sup> When there is no apology, no redemption, no restoration of honour, and more importantly, no structural measures taken to guarantee that the suffering will *never happen again*, resentment becomes inevitable "weapon" for some of the victims. Even in case that only perpetrators are punished, if not revenge, then resentment spreads to encompass nations, official institutions and high level officials who bear responsibility for perpetrators' actions but do not acknowledge it. As long as such privileges acquired with birth as sex, religion, language and culture - independent of the actions of people - are utilized to protect perpetrators and those in charge, and to dominate others, resentment turns into a deeper and more irreconcilable hostility.<sup>203</sup> Scheler cited Goethe's *West Eastern Divan*: "Why complain about enemies? - could those become your friends - To whom your very existence - Is an eternal silent reproach?"<sup>204</sup>

The resentment Améry investigated and tried to legitimise is in fact a kind of reproach to that silent reproach. Améry responds with resentment, or what from now on we shall name with a more sound term, vexation, to those who act as if genocide did not occur or as if they faced it, those who reproach the survivors as if for being, not for their remembrance of the genocide. He

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201 Scheler, 2004, p.11,28. English: p. 8, 20. Emphasis original. Scheler is not a defender of equality, to the contrary, he believes in hierarchy and divine transcendence. Since inequality is unavoidable and equality forever will remain formal he pointed out social pains such perception leads to.

202 See: Scheler, 2004, p.30.

203 See: Scheler, 2004, p.35. English p.25.

204 Scheler, 1998, p.25.

remembers and wants to remind the seemingly primordial and eternal discomfort for the very existence of the Jews that made the genocide possible. He admits that unlike normal people who are directed towards the future, those who feel resentment turn towards the past, they desire regression into the past so that the irreversible be turned around, the done be undone. He also acknowledges that this is “absurd” and that the “time-sense of a person trapped in resentment is twisted around, dis-ordered.”<sup>205</sup> However, the demand stemming from this twisted time-sense, i.e., the ability to preserve the pure meaning of the violated is described as a “virtue of resentment” by Brudholm.<sup>206</sup> When confronted with social amnesia, sense of resentment that harbours such absurd and impossible demands, empowers the will to remember, he says.<sup>207</sup> Social oblivion and denial prevent survivors and victims from living together with others “in the same time.” One side constantly walks towards the past, while the other wants to run to the future, like fugitives. In fact they are clearly running away both from the past and the witnesses of the past. How will it be possible to live together in such circumstances? How to provide reconciliation?

Survivors cannot continue living in/with a community that still does not recognize moral atrocity of the past, the moral atrocity of the crimes committed in its name, according to Brudholm. Moreover, it is not a matter of resentment resulting from the past events and rejection of the responsibility for the past, but is it a matter of fear that those atrocities will happen again, fear resulting from the lack of assurances and promises that they would not reoccur.<sup>208</sup> Those in fear and those they fear search for a way to live without getting into contact. Reconciliation, however, requires contact. Perhaps that would explain why for Améry condition of social reconciliation was a refusal of historical reconciliation.<sup>209</sup> In other words, reconciliation with people is different from reconciliation with the past. For the former to occur the latter must not, which means that reconciliation between people can be achieved

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205 Améry, 1980, p.68. Brudholm when discussion Améry’s and victims’ perception of time gave voice to Jankélévitch’ observations: “ Crimes against humanity are *imprescriptible*, that is, the penalties against them *cannot* lapse; time has no hold on them.” ( 1996, p.556-557; Brudholm, 2008, p.106).

206 Brudholm, 2008, p.107. For more on Améry’s sense of resentment see: Assmann, 2003 and Zolkos, 2007.

207 Brudholm, 2008, p.110.

208 Brudholm, 2006, p.16.

209 Brudholm and Rosoux, 2009, p.40.

upon common rejection of reconciliation with the past.<sup>210</sup>

Améry finds it logically senseless to demand objectivity from him in his argument with his torturers, their aids, and those so merely silently stood by: “atrocities ... have no objective character.”<sup>211</sup> When explaining resentment/vexation he calls on everybody to abandon objectivity and neutrality and to be with himself, listen to himself and not to remain silent. Experience of torture basically means “extreme loneliness;” what is left after torture is “foreignness in the world” that cannot be compensated by any subsequent human communication, it is an endless inability to feel at home in the world, he says.<sup>212</sup> Isn't it clear he has a desire to free himself from this sense of “abandonment,” for the loneliness, foreignness, homelessness, rootlessness to be over? Rather than revenge, retaliation and rancour, doesn't this demand include resentment/vexation full of anger? To express resentment/vexation cannot be seen as simple emotional reaction, because Améry, when telling about his experience, calls for moral, and more importantly, public i.e. political action.

This call evokes Arendt's objection to hiding negative feelings when describing an atrocity, misery or disaster. To have anger is an inseparable part of that atrocity, misery, disaster; as long as there is excessive poverty, anger is a part of that excessive poverty, for instance.<sup>213</sup> Without renouncing the responsibility to reflect witnessed injustice without colouring it, in other words, the human faculty to react to injustice, it is impossible to write “objectively” in Arendt's opinion. Receivers of this reaction are not just the contemporaries of the writer. For instance, new generations of Germans are of course not guilty like those who lived in the Nazi Germany and witnessed the genocide. The responsibility, however, although different than in the Nazi past, continues to exist. New generations do not bear responsibility for the Nazi regime, but they are responsible for the way they deal with the past left to them as a legacy by the previous historical and political community.<sup>214</sup>

In conclusion, to think that rejection to understand the offenders, to forgive and generally reconcile is just a desire for revenge or a psychological deficien-

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210 Brudholm, 2008, p.116.

211 Améry, 1980, p. 70.

212 Améry, 1980, p. 70, 39-40. Arendt talking about her friend Waldemar Gurian said: “Friendship was what made him at home in this world.” (Arendt, 1968, 251).

213 Arendt, 1994, p.403.

214 Brudholm, 2008, p. 150.

cy or moral atavism is extremely shallow.<sup>215</sup> Furthermore, Brudholm argues that Améry associates a specific kind of resentment/vexation with different values and virtues: “a protest against forgetfulness and shallow conciliatoriness, a struggle to regain dignity; an acute sense of the inexpiable nature of what happened, the instrument with which to make the criminal understand the reprehensible moral nature of his actions, and the key to a vision of a rehumanization of relationships.”<sup>216</sup> With that values and virtues, the victims, who rejected forgiveness and reconciliation, call on the once unjust to become just. Victims’ vexation is what renders justice mechanisms’ success always incomplete, what unites justice with the political. In this sense, such feelings as resentment, anger and vexation which “nail the victim to the past,” also retrieve the victim from the past and turn towards current problems, allow to actively engage with the perpetrators, in short, make them political, are “positive” feelings.<sup>217</sup>

If we repress anger or resentment in our relations with others, or not express vexation, it means that we do not see them as fellow human beings; there is no place for anger, resentment, vexation in a relation with a child, a cat, a plant or an object. People bereft of resentment or anger towards themselves, can be seen as either objects of social policy or part of a problem that needs to be solved or looked into.<sup>218</sup> In other words, they are of no interest to us: “If your attitude towards someone is wholly objective, then though you may fight him, you cannot quarrel with him, and though you may talk to him, even negotiate with him, you cannot reason with him.”<sup>219</sup> Scheler also refers to such human conditions with only sensitive people concerned when he says “one cannot ‘forgive’ if one feels no revenge, nor can one ‘tolerate’ if one is merely insensitive.”<sup>220</sup>

Resentment and vexation full of anger point towards still existing expectation of the other side to take responsibility. The existence of this expectation is very important in order to organize awareness about injustice and (re)build political friendship. Mihaela Mihai argues that such negative emotions as resentment and anger are indicators of discrimination, repression and injus-

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215 Brudholm, 2006, p.23.

216 Brudholm, 2008, p. 151.

217 See: Hirsch, 2011, p.182.

218 See: Brudholm, 2006, p.13.

219 Strawson, 1974, p.9 [in:] Brudholm, 2008, p.11.

220 Scheler, 2004, p. 67 [47]

tice; they are barometers of the legitimacy crisis.<sup>221</sup> It is clear that such emotions constitute a critical warning for societies in which political disinterest in unsolved murders and forced disappearances turned into a disease of civil society. Political community that does not respond to legitimate expectations of justice indicates its own collapse.<sup>222</sup>

Mihai puts forward that feelings, like opinions, can be learned. If justice is a feeling, so is injustice and both can be sensed by other people. In this sense, such feelings have a capacity to play an important role in the creation of a democratic political culture. Moreover, if not allowed to play that role, negative feelings can be passed onto new generations in a more violent form and with high possibility turn into political revenge. Clearly, to avoid that, it is necessary to provide appropriate modes of expression for such feelings in the public sphere. Laws and political institutions can provide mechanisms to channel issues indicated by these feelings and can also engage with those feelings. If the sources of hatred are the feelings as well as feared and unrecognized identities that cannot be translated into democratic process, then it is obvious that feelings do not belong to personal worlds. In short, resentment and vexation full of anger and sensitivity can be starting point for political friendship against injustice.

### ***Political friendship***

Aristotle defines limits of a community as the extent of the friendships among members of the community, which is also the extent of justice.<sup>223</sup> The beginning and end of friendship among people also demonstrates the beginning and end of political community. Communities that harbour animosity cannot create one political community even if they live together within the same political borders. They are different political communities under the same political power. The relationship Aristotle established between political community and friendship in ancient Greek city-states can be seen analogous to religious groups in medieval empires or to nations in modern nation-state

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221 Mihai, 2010.

222 Mihai, 2010, p.194.

223 Aristotle, *Nicomachean Ethics*, 1160a. Aristotle differentiates three friendships based on interest, pleasure and virtue. Perfect friendship occurs between people who know one another well, are just and equal and have a long term relation, therefore it is a rare phenomenon based on virtue. Political friendship, is based more on an interest. On the other hand, good citizen intersects with good person, so political community in order to establish a just and virtuous life, must be based on political friendship that shares more than only common interest. (See: Aristotle, *Politics, Part IX*, Ward, 2011).

context. On the other hand, it is possible to say that the relation between political community and friendship in the post-modern period and the time of supra-national and regional formations again corresponds to religious and ethnic or regional units. In the context of coming to terms with the past and pursuit of justice we have been discussing, we refer to a kind of political solidarity that includes individual friendships among people belonging to different communities. In this sense the pursuit of justice means creation of friendships that are equivalents of all political actions and processes.

In Aristotle's view friendship is what hold communities together and what is given more importance by the lawgivers than justice because when they make an effort to solve hostile social conflicts, they mostly aim at establishing a concord similar to friendship: "when people are friends, they have no need of justice, while when they are just, they need friendship as well; and the highest form of justice seems to be a matter of friendship."<sup>224</sup> Friendship that creates the highest form of justice is a mental association and passionate friendship of those who do not avoid telling the truths, who reflect on themselves and who have a faculty of judgment.<sup>225</sup> It is possible to define as political friendship the relations among the members of the same political community who are interdependent on the basis of being virtuous. Perhaps this is the reason why Aristotle said that political friendship does not replace justice i.e. making just laws is not unnecessary but just laws do not guarantee political friendship.<sup>226</sup> Friendship and justice are mutually dependent since they allow us to see ourselves as others see us and also allow us to see others as we see ourselves.<sup>227</sup> In this respect, the relation established by Aristotle between justice and friendship is related to both already discussed retributive and restorative understandings of justice, though more so with regard to the latter.

One of the aspects of post-conflict justice is the abolishment of the legal system or lawlessness that set the scene for the conflict and establishment of a new legal system and the rule of law.<sup>228</sup> If the laws that are to (re)establish norms of a political community in order to live together are designed in a way that fosters greatest possible friendship among members of the community, it

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224 Aristotle, *Nicomachean Ethics*, 1155b.

225 See: Salkever, 2008, p.61.

226 See: Ward, 2011, p.446.

227 See: Salkever, 2008, p.66.

228 See: Bell, Campbell and Ni Aolain. 2004, p. 308-312.

is also possible to include in these laws a regime that would recognize a possibility to come to terms with the past. Since just laws based on the equality of citizens do not guarantee the creation of friendship, there is a need to form a societal will that would call on everybody to be just and to have concern for each other. Furthermore, the call for being just is a call to be concerned with political matters related to justice and with the *others* we live with, in other words we can say that this is a call to *become political*. Mutual respect is not enough for individuals and groups living together to be members of the same political community. In order to become partners in the definition of justice that would build friendship they need to share concerns of each other.<sup>229</sup>

Aristotle's notion of political friendship based on mutual feelings of love and concern was prescribed for just political regimes with direct political participation like in city-states. One may think that there is no place for political friendship in contemporary parliamentary/representative democracies based on official relations between nation-states and interest-oriented individual-citizens. It can even be argued that what is said above is an over interpretation of Aristotle's political philosophy. In fact, according to some, to establish or maintain social justice, friendship or solidarity is not prerequisite, but absence of enmity is enough.<sup>230</sup> This condition may seem valid for communities that did not experience civil war or for political communities of neighbouring countries. To create a shared political community by groups that became enemies during the conflict, absence of enmity would only mean negative peace, which is equivalent of a cease-fire but not disarmament. In such situation, at best, we would talk about a positive peace between separate political communities established by the conflicted parties. Certainly this may be a preferred solution. The first step to achieve the alternative solution would be coming to terms with the past and searching for ways to build a political community that would secure a political friendship to respond to the call for justice. This pursuit, as already discussed, is a call for all members of the community to become political; it is a call to build radical democracy.

What we mean by radical democracy is the remembrance anew of the interdependence of friendship and the political, i.e. true and genuine meaning of the concept of political. For this we may depart from Aristotle who defines human beings as "political animals" due to their capacity to think and speak, and political friendship as a kind of activity to live good together rather than

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229 Leontsini, 2013, p.32.

230 See: Hope, 2013.

a recipe for a utopian society or a virtuous life.<sup>231</sup> We may also follow Arendt who defines human beings' actions consisting of free acts and speech in the public sphere as "political" who sees genuine political dialogue as the core of friendship and who considers the world "which remains 'inhuman' in a very literal sense unless it is constantly talked about by human beings".<sup>232</sup> Though he seems to deprive friendship of plurality and the political by confining it to the unique relation between two people, it is also not wrong to say that political friendship is also a constant action lying behind Derrida's vision of "democracy to come".<sup>233</sup>

Without a doubt, democracy to come would appear in the public sphere, whose limits are being currently discussed again. Public sphere delimited in the period of late modernity by the universal, impartial, objective and mind in opposition to the individual, partial, subjective and harmful passions became a means to exclude the opposition from political sphere and to confine the underprivileged in the private sphere. Thereby public space was bordered by national fences, and thus closed for the political, pluralism and free collective actions of people. It was attempted to be anchored by politics which is composed of practices, discourses and institutions that constantly reproduce the absolute order. On the other hand, limits of public sphere, that is, the hegemonic politics, as Mouffe emphasizes, were always challenged and violated by the dimension of conflict, that is, the political dimension.<sup>234</sup> In this context, the political corresponds to the struggle to find place in the public sphere by the ignored, devalued, dominated ways of existence i.e. the victims. This struggle aims not just at expanding the public sphere, but transforming it through victims' narratives and modes of expression.

As Mouffe pointed out, democratic politics cannot be reduced to interests or values negotiated by the society. In politics where the political is alive, one must acknowledge the inevitability of we/them distinction that appears in collective identification and the impossibility of rational agreement involving all.<sup>235</sup> The encounter in the public sphere between the negative feelings discussed above is part of this inevitability. This encounter, without a doubt, corresponds not to the conflict between fixed and natural belongings or non-

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231 Aristotle, *Nicomachean Ethics*, 1170b; Salkever, 2008, p. 67.

232 Arendt, 1968, p. 24-26.

233 Derrida, 2005b.

234 Mouffe, 1993.

235 Mouffe, 1993, p.30.

negotiable moral values, but a struggle between political identities. Moreover, we must acknowledge that democracy is a sum of all such encounters, which means it is not a form of government but it consists of “political moments,” experiences of remembering and recreating the political.<sup>236</sup> In this sense, democracy perhaps, is a political experience reserved only for transitional period.<sup>237</sup> When we consider transitional period or post-conflict period as a period of coming to terms with the past, we may also say that democracy corresponds to an experience of establishing political community anew which cannot be limited simply with constitutional reconciliation. Before examining with our interviewees how above mentioned discussions can be reflected in specific cases of Turkey and Kurdistan, we shall try to depict that specific times, “the gos,” which was witnessed by our interviewees.

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236 Hirsch, 2011, p.180.

237 *Ibid.*, p.170.

### Chapter 3

## The gos in Turkey and Kurdistan

The West and the East of Turkey have never been so close to, never been matched to each other, but never in history as in the gos, were so far apart from each other, looking retrospectively. In the West, children were growing up on the streets emptied by the 1980 military coup d'état, at homes without books and with Turkish-Islamic synthesis at schools. "The Nineties" showed on a private TV channel and called "the TV series of the last children playing on the street," describes the period in a nutshell: "it was the nineties when the first private TV channels started broadcasting, everywhere private radio stations were listened, nearly every neighbourhood had youth dreaming of becoming a pop star, when we got first mobiles, computers."<sup>238</sup> For "us" these were the gos, but in the East this was also time of children, who met guns, tanks and death roaming around streets, who lost their fathers, sisters, brothers and the houses, who did not know what school was. Youth in the West, who either found refuge or were trapped in a conservative, Turkish apolitical identity, grew up oblivious of their counterparts in the East, who either reached or were obliged to have inevitable political identity of being Kurdish. Obviously previous generations were not dying to hear or see their Kurdish peers as well. Nevertheless, struggles against "common enemy" by leftist parts under the same umbrella, the times of standing by one another, of non-problematic amity with Kurdish neighbours, colleagues and friends as long as they did not identify themselves as Kurds, the times when "there was no Kurd – Turk distinction" were left behind. There was silence in the West, war in the "East." To ignore that soldiers from the West going to the "East" were bidden farewell to a war or "not to know," not to ask why there was a war, who was on the other side of the front line were good manners.

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238 [Retrieved 6 May 2014]. *golar Kitabı - Çocuk mu Genç mi? (The Book of the gos – A Child or a Teenager?)* is a book pertaining to that period. In the blurb of the book we read: "From the cinema of the gos to TV culture, from life on the streets to social struggle, from years in private preparation courses to adventures of entering university, from meeting leftist older brothers to 1<sup>st</sup> of May, from going to imam hatip schools to first loves, to famous people who influenced us in the gos, from music culture to clothes and to domestic life of the gos, we wrote almost about every topic about 'us' in a sincere way." (See: Aydemir, 2012) <http://www.dr.com.tr/kitap/golar-kitabi-cocuk-mu-genc-mi/kadir-aydemir/edebiyat/anlati/urunno=0000000383540> [Retrieved 6 May 2014]

There was a good reason for a main title “It’s not as you think” to a book published after twenty years with a subtitle *To be a Child in the South East in the 90’s*.<sup>239</sup> This book “must be read as a story of Kurdish youth pouring out their hearts to their peers in big Western cities” reads in the blurb, and inside the youth tell “about their fathers, mothers, brothers and friends beaten in front of them, murdered, forced to join village guards, about their houses mowed down, ‘disappearances one by one of the people they cared, loved,’ yearning life stories of families and lost relatives.” “The only thing I want is for the people to know what we have been through here,” said Avsiya; “if you know that the other side understands you, you will say okay, perhaps you’ll make peace, but they insist on not understanding,” said Avrêhan; Xêzek expressed her reaction against the West: “When we were so much oppressed here, the Westerners would always call us ‘terrorists.’<sup>240</sup> Westerners don’t know, don’t understand yet they accuse.”

The time when Westerners’ lack of understanding could be explained by ignorance at best, are long gone nowadays. On the other hand, according to Başak Can, the level of ignorance was never high enough to be a justification:

*The abundance of documents, testimonies and narratives produced since the war until today despite all structural and bureaucratic obstacles, against censorship and repression give clues of that the insensitivity against the war cannot be reduced to the issue of lack of knowledge or unawareness of the pain suffered. Since the mid-1980s there are minutes of the Parliament showing and proving oppression of the war, there are written and verbal questions, decisions of the European Court of Human Rights, reports prepared by national and international organizations and universities, article series, interviews, testimonies of the reporters and witnesses in the newspapers, theses, forensic reports. The knowledge of war has already been recorded in them. Most of this knowledge is available to everyone, some has been circulated in a widespread manner, especially in the last decade, it has increased incrementally via numbers, pictures and news, gradually came to light via more channels. But this growing body of knowledge neither ends racism, nor it teaches a lesson about the past.*<sup>241</sup>

As a person born in a small Anatolian city, I can say that we grew up with an

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239 Rojin Canan Akın and Funda Danişman, Metis Yayınları, 2011.

240 Akın ve Danişman, 2011, p.87;61; 155.

241 Can, 2014b.

agenda in which it was nearly impossible to be informed about the knowledge of war circulated in the 1990s. However, despite old and new documents and testimonies we get, especially with the 2000s, denial and anger of many of our peers justifies Can's last evaluation:

*Not to know is not just a choice; to know, think or defend is devastating for some states of existence. I think such states of existence that cannot be explained only by repression, censorship, fear or ignorance render impossible an optimist thinking of that what happened is not known or that it wouldn't have been condoned if it had been known.*<sup>242</sup>

In this case, what actually happened in the "East" so that those in the West do not want to know; even if they know, they do not want to believe; even if they believe, they do not want to object? Why all these documents and testimonies were not enough to create the will to come to terms with the past? Just as Can asked, how could it be possible to imagine and produce such "states of testimony that would call for action, politics and transformation?" The last question is the most important matter for this study. We will discuss this matter in greater detail in the next chapter, before we give voice to witnesses. In this chapter we will try to answer the first question and shed light on the state of affairs in Kurdistan and Turkey in the 90s.

First of all, one must underline the fact that the state of emergency had reigned over Kurdistan until that day was named and sanctioned by the laws in that period. It was also in Kurdistan an on-going period of social transformation and political awareness, i.e. the period of *serhildan*, which "was worthy of" those laws. As for the 90's in Turkey, we witnessed growing social inequality because of neoliberal policies, political instability, forced or voluntary migration to the cities resulting in youth facing problems in overpopulated cities, social conflicts and despite or because of all these, growing apolitical popular culture. A Turkey which was trying to join the European Union in the period of the end of Cold War, witnessing a nearby war involving the Kurds in its neighbour country, but completely oblivious of political developments and theoretical discussions in the world. Naturally, so much as to sketch the state of affairs of that period goes beyond the scope of this study, there is, however, body of relevant literature available to satisfy readers' curiosity. Here we will make the utmost effort to portray Kurdistan of the 1990s. The first part of this portrayal will constitute of the stance the Republic of Turkey took against

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<sup>242</sup> Can, 2014b [*emphasis original*]

Kurdistan, drawing on the literature concerned with state, law and violence. In the second part, using concepts of resistance, social transformation and politicization, we will discuss the rejection of Kurdistan against the Republic of Turkey. In passing, yet, we will briefly mention a recently topical discussion.

Suspension in the summer of 2014 of the “resolution process” which was initiated by the meetings between Abdullah Öcalan and state representatives, and gained momentum in the spring of 2013 as well as the revival of such images of 90s as the curfew against the repercussions in Turkey of the struggle in Rojava, as new regulations to extend police authority, besides street executions, naturally reactivated collective memory and released into circulation the question “are we going back to the 90s.<sup>243</sup>” Apart from the question whether it is possible to return to the 90s or not, the main subject of the discussion should be the creation of such a perception that allows reactivating collective memory. Since crimes against humanity committed in the 90s have not been faced, the perpetrators are yet to be judged and no significant measures have been taken to meet victims’ expectations, it is understandable why such a discourse of return would become widespread. Moreover, both legal measures and public statements by the government as well as new wave of intimidation by violent practices substantiate this situation. On the other hand, Cuma Çiçek believes that this return might not be to the 90s, but it might be a shift towards a more violent period. He provides a number of reasons to support his claim: due to federal Kurdish state established in Erbil and cantons in Rojava both regional and international geopolitical balance has shifted in favour of the Kurds which coincided with empowering unification of Kurds divided among different countries; socio-political mobilization has geographically spread and deepened in quality; a new, young Kurdish generation that grew up in the 90s “in multiple victimization, that were deprived of such basic social and economic rights as housing, nutrition, education, health and work, with a collective memory of state violence” stay far from political centre and harbour anger against the West of Turkey; and finally, the spatial expansion as a result of urbanization and institutionalization developed along with forced migration and experience with Kurdish local authorities since the late nineties.<sup>244</sup> Except partially the first one, all these reasons are rooted in the state violence Kurds were exposed to in the nineties and the resistance they demonstrated as a response to that violence.

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243 Çiçek, 2014. For chronology of the solution process, see: Ercan, 2014.

244 Çiçek, 2014.

### ***Turkey's State of Exception: Kurdistan and the Nineties***

It is a reasonable tendency to discuss Nazi Germany, French management of Algerian crisis, British domination over Northern Ireland, authority of the USA in Guantanamo, policy of the Republic of Turkey towards Kurdistan, like many other modern nation-states' "states of exception" in terms of Carl Schmitt's definition of sovereignty and Giorgio Agamben's notion of the state of exception. "Sovereign is he who decides on the exception," said Schmitt.<sup>245</sup> What gives the sovereign the right to determine the state of exception is the relation between law and violence which is inherent to the establishment and existence of the sovereign. Thorough examination of this relation goes beyond this study, but to provide concise and basic idea we shall refer to Walter Benjamin: "for what parliament achieves in vital affairs can only be those legal decrees that in their origin and outcome are attended by violence."<sup>246</sup> Violence in the origin of the laws is also what gives the sovereign power, which makes and protects the laws, protects its subjects from any other sources of violence other than itself, and so has the monopoly to exercise violence, the authority to suspend the law i.e. to make anew or exceptional laws or to protect the law via violence. In this respect the state of exception is the state that the sovereign excludes from the ordinary law and continues to dominate via violence. We can mention the discussion whether sovereign's authority to decide on state of exception is legal or legitimate, by looking at what type of situations it defines as the state of exception.

According to Agamben, what makes difficult to comprehend the state of exception is its close relation with civil war, rebellion and resistance.<sup>247</sup> In these situations when generally violence is also resorted to, like Benjamin said, violence is "a threat to the legal order not because it serves illegal purposes, but strictly because it is outside of the law [not controlled by the law]."<sup>248</sup> These situations provide an illusion that there is an actual state of exception and it is necessary to suspend the laws. Another subject of discussion is terminology. The state of exception which Agamben defines as a nearly consistent series of legal phenomena is described in German theory as *state of necessity*, in French and Italian theory as *emergency decrees* and *state of siege* and in Anglo-Saxon theory as *martial law* and *emergency powers*. Terminological choices are im-

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<sup>245</sup> Schmitt, 2005, p. 5.

<sup>246</sup> Benjamin, 1978, p.289; Especially see: Derrida, 1992; Avelar, 2004.

<sup>247</sup> Agamben, 2005, p.5.

<sup>248</sup> Benjamin, 1978, p.281.

portant according to Agamben, who says that the state of exception, which removes separation of powers (i.e. it extends government's authority), is not a situation in which a special kind of law (like the law of war) reigns but rather in which the legal order itself was suspended, which arises from the situation that the constitution is suspended with an imaginary and political but not real and military martial law, that is, military wartime powers are extended into the civil sphere.<sup>249</sup> Thus he says that the state of exception declared as *necessary* for national interests and the survival of the state, in fact, turns into general state, a rule, drawing attention to the relation between the *state of necessity* and the state of exception on the one hand, and the relation between the principle of violence and the *principle of necessity*.

The state of exception starts with the definition of the situation at hand as the one which *necessitates* the suspension of the constitution or ordinary law and the declaration of the state of emergency or martial law. In this sense the relationship between violence and law is once again confirmed. The state of necessity usually manifests itself as the necessity of a ban. Agamben argues that "He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather *abandoned* by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable" and says that that threshold is precisely where the sovereign is located.<sup>250</sup> In other words, state of exception corresponds to the absolute authority of the sovereign to decide on life or death.

This discussion allows us to understand that the state of Turkey turned Kurdistan in the 90s into a space of exception and even that this state of exception has been continuous, both preceding and extending beyond the 90s. If we consider that the state of siege that started in 1978 continued in the form of the state of emergency between 1987 and 2002, then it is possible to say that Kurdistan was a space of exception for 23 years. The state of emergency was declared in accordance with the Article 1, section b. of the 1983 State of Emergency Law, that is, due to "the appearance of serious indications resulting from widespread acts of violence designed to eliminate the free democratic order established by the Constitution or fundamental rights and freedoms or violent actions causing serious deterioration of public order" by the decision of the Cabinet dated 01.03.1984 and numbered 84/7781. Taking into account the opinion of National Security Council, the regional governor of the state

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<sup>249</sup> Agamben, 2005, p. 4-5.

<sup>250</sup> Agamben, 1998, p.28.

of emergency was authorized to suspend the Constitution in order to take measures specified in Article 11 of the same law.<sup>251</sup>

The state of emergency was at first announced in Bingöl, Diyarbakır, Elazığ, Hakkari, Mardin, Siirt, Tunceli, Van and later also Adıyaman, Bitlis and Muş were included as neighbouring provinces as well as Batman and Şırnak when they were promoted to the statute of city, which means that 13 provinces were under the administration of the state of emergency. Some of the provinces earlier than others were excluded from the jurisdiction of the administration of state of emergency that finally ended when the state of emergency was abolished in 2002. Regional governors of the state of emergency, who resided in Diyarbakır and were equipped with extraordinary authorities so that became known as “super-governors” together with army commanders, police power and

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<sup>251</sup> These measures included: “(a) imposition of a limited or full curfew;(b) prohibition of any kind of assembly or procession or movement of vehicles in certain places or within certain hours;(c) authorisation of officials to search persons, their vehicles or property and to seize goods deemed to have evidentiary value;(d) imposition of obligation to carry identity cards by those living in or entering regions which are declared to be under a state of emergency;(e) Prohibition of, or imposition of obligation to require permission for, the publication (including issuance of reprints and editions) and distribution of newspapers, magazines, brochures, books, etc.; prohibition of importation and distribution of publications published or reprinted outside regions declared to be under a state of emergency; and confiscation of books, magazines, newspapers, brochures, posters and other publications of which publication or dissemination has been banned;(f) control and, if deemed necessary, restriction or prohibition of every kind of broadcasting and dissemination of words, writings, pictures, films, records, sound and image bands (tapes); (g) taking or increase of special security measures for internal security of banks and sensitive public and private establishments;(h) control and, if deemed necessary, suspension or prohibition of the exhibition of all kinds of plays and films;(i) prohibition of the carrying or conveying of all types of weapons and projectiles, including those licensed by the state;(j) prohibition, or the imposition of a requirement to obtain prior permission, for the possession, preparation, manufacture or conveying of all types of ammunition, bombs, destructive materials, explosives, radioactive materials and corrosive, caustic or ulcerating chemicals and all kinds of poisons, suffocating gases and other similar material; and confiscation of, or demand to submit [to the state], goods, instruments and tools used in the preparation or manufacture of the aforesaid items;(k) prohibition of persons or groups of persons believed to be disrupting public order or public security from entering the concerned region, expulsion of such persons or groups from the region, or imposition of a requirement on them to reside in or enter specified places in the region;(l) prohibition, restriction or regulation of the entry [of people] into and exit from establishments or institutions deemed essential for the security of the region;(m) prohibition of, postponement of, or imposition of a requirement to obtain permission for, assemblies and demonstrations in both enclosed and open spaces; regulation of the time and place of permitted assemblies and demonstrations; and supervision, and if deemed necessary dispersal, of all kinds of permitted assemblies.” See: <http://www.legislationline.org/documents/id/6974> [Retrieved 4 March 2015]

paramilitary forces administered Kurdistan between 1987-2002.<sup>252</sup> It was a period when the regional governor of the state of emergency was taking military decisions, and it was as quite widespread and ordinary as that the military authorities were taking administrative decisions, and especially in towns and villages, with the example of a captain heading the Administration Board of the District, civilian authorities were subjected to military authorities. Of course this subjection was not peculiar to Kurdistan but the military authority operating with such professional combatants as Police Special Operations Team, Gendarmerie Special Team, paramilitary structures such as village guards, counter-guerrilla forces such as Hezbollah, inauspicious formations such as Susurluk and Yüksekova gangs (consisting of PKK informants, fugitives, members of security forces and heads of village guards), illegal organizations such as Gendarmerie Intelligence and Counter-Terrorism [JITEM], and official authorities such as Forensic Medicine Institute allowed criminal activity of the state that cannot be seen in any other region of Turkey.<sup>253</sup>

The military authority that used conventional methods in the fight against the PKK and failed to gain upper hand until the 90s, adopted a new strategy proper for the principles of “unconventional warfare”.<sup>254</sup> Within the framework of a new strategy of the Turkish Armed Forces called “low intensity warfare,” military forces’ administrative structure was reorganized and equipped with subsidiaries such as village guard system, JITEM and Hezbollah.<sup>255</sup> Göral describes the concept of “Territorial Dominance and the Expulsion of the PKK from the Region” that was resorted to “in the period from 1993 to 1995 when Süleyman Demirel was President, Tansu Çiller was Prime Minister and Doğan Güreş and İsmail Hakkı Karadayı were successive Chiefs of General Staff” and

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252 In this period six regional governors of the state of emergency were appointed. Five of them, two in Istanbul, were earlier Chiefs of General Directorate of Security. Three of them later became MPs from right-wing parties. For detailed information about civil and military management of the state of emergency region see Jongerden, 2007, p.145-147.

253 For a thorough summary of the background of the period see Göral, Işık and Kaya 2013, p.14-20. Atılğan and Işık identified as one of the problems that emerged during investigation and trial of JITEM: “Generally, majority of the reports testifying to lack of marks of torture or ill-treatment were signed by the chief of Diyarbakır branch of the Secretary of Forensic Medicine Institute, who was in the office since 1990’s until mid-2000’s, which raises doubts as to objectivity of these reports” ( 2011, p.37).

254 See Göral, Işık and Kaya, 2013, p.15.

255 For more on reorganization of the Turkish Armed Forces in Kurdistan in the 90’s see: Balta Paker, 2010; for more on forced enlistment into village guards see: Kurban, 2009; Balta Paker and Akça, 2013; Özar, Uçarlar and Aytar, 2013; Tüysüz, 2014.

meant “the severance of support provided to guerrilla forces by the civilian population in order to regain territorial supremacy” as follows:

*Here, the ‘concept’ designed at a central level, and the ‘autonomy’ of implementers at a local level coexists. On the one hand, there is the central concept of ‘territorial dominance’ and the implementation of its practical outcome, which is the strategy of severing the ties between the PKK and those sections of the public that support or are deemed to support the PKK. In order to do this, it was considered legitimate to go beyond the usual boundaries of law. Yet on the other hand, every team that would transgress those borders had a unique way of operating, a style, and they all had different approaches due to local connections.<sup>256</sup>*

Counter-guerrilla activity that was inherent to the “concept of territorial supremacy”, which allows and needs such difference in approaches, was conducted through those instruments that had a systematic character but also were subjected to local and arbitrary initiatives such as forced disappearances, forced evacuations and extrajudicial executions. Söyler describes the same period as a period when “Turkish deep state became the state itself.”<sup>257</sup>

It might be not entirely wrong, but incomplete to argue that Kurdistan, which was governed by super-governors and military officials at all levels with extraordinary laws that put no limits to the authority of the state and “improvisatory” practices of violence instead of the constitution guaranteeing fundamental rights of citizens, was Turkey’s state of exception. Kurdistan’s gos, an exception, which “brings everything to light more clearly than the general itself” and “thinks the general with intense passion”<sup>258</sup>, clearly explains Turkey’s arrogance of exclusivity, “incomparability with other countries”, and tactlessness of “this is Turkey” which are not limited to the gos. Turkey is a permanent state of exception in terms of not being a state of law. However, both this state and Kurdistan even as an exception of the exceptional law do not mean that Turkey is an exception in the world. To ascertain this phenomenon it is enough to review the modernization adventure of the Republic of Turkey, like the ones of other nation states, in the period of establishment.

In the period of the Ottoman Empire’s rule over various religious and linguis-

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256 Göral, Işık and Kaya, 35 ,17 ,2013. English: p.37 ,19.

257 Söyler, 2013, p.317-316. The author also thoroughly analyzes in this work the concept of deep state.

258 Kierkegaard, *Politische Theologie*, 19-22; cited in Agamben, 2001, 27. English: 1998, 16.

tic groups living under the quasi-autonomous administrations, Kurds were also living as an organised union of tribes, and like other groups, had an opportunity to maintain their languages and cultures. Process of centralization and modernization initiated in the late Ottoman Empire, reinforced by secularization and nation-building projects, and conducted with violent and authoritarian methods by the Republic targeted not only that quasi-autonomous structure, but also manifestations of Kurdishness inherent to that structure. The dominant view of the “Kurdish problem” and thus Kurdishness as representation of backwardness, religious conservatism or banditry, misses the fact that Kurd’s fundamental social activities and positions in the public and private spheres were directly targeted by Turkish modernization and nation-building projects.<sup>259</sup> Formerly religious, traditional and heterogeneous public space inherited by the Republic was remodelled in accordance with the Republican principles aimed at transformation of the public space into secular, modern and homogeneous one. The same principles also attempted to eliminate elements defining Kurdishness. For instance, targeting one of the most important sites of socialization for the Kurds, namely the religious schools teaching in the Kurdish language as a medium, by the modernization project, which tried to realize its aims of secularism, centralism and nationalism on the basis of the Turkish identity, also served abolishing the consciousness of Kurdishness itself.<sup>260</sup> In this context, to see Kurdish struggle continuing since the establishment of the Republic only as a struggle against modernization is a gross oversimplification. As Celadet Bedirhan also argued, Kurds did not reject modernization itself, but Turkish modernization aimed at assimilation and eradication of Kurdishness.<sup>261</sup>

The question of Kurdistan can be comprehended as a colonial problem to the degree that the Turkish modernization project can be compared to other modern nation-building processes. Beşikçi’s analysis of the part of Kurdistan in Turkey, which he defines as “interstate colony” though he considers it not even as a colony due to lack of its borders, name or any kind of political status, is the classical text of such comprehension.<sup>262</sup> Studies of the Kurdish issue from colonial/post-colonial theoretical perspective have multiplied, especial-

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259 See: Yeğen 2006, p.140; Şahin Fırat 2006, p.125.

260 See: Gündoğan 2009.

261 Aktaran, Bayrak 1994, p.68

262 Beşikçi, 1991.

ly in the 2000's.<sup>263</sup> In particular from post-colonial theoretical perspective, colonial practices were materialized first through the collection of the knowledge of colonized vernacular population by overtly or subtly using discourse of racial superiority and then by "destroying via devaluing the bodies, beliefs, values, languages, rituals and mental worlds [of that population] and through the administration of the occupied territory by another 'colonial law'"<sup>264</sup>

Barış Ünlü, within a similar framework conducts a comparative analysis of the relation between modernization and colonization: "the French and Turks, to the degree that they could not control minds of Algerians and Kurds, in other words to the degree that they could not make them French or Turkish administered Algeria and Kurdistan as colonies and kept these regions under uninterrupted and direct cultural and structural violence."<sup>265</sup> Military measures in Kurdistan which was held under nearly a permanent martial law or state of emergency, were supported by such racist policies as Turkification of education and Turkification of bureaucracy, forced migration of resistant Kurds into Turkey, and exile of Turks to posts in Kurdistan through additional payments, settlement and compulsory appointment. Ünlü defines the process of making French/Turkish of mentally and physically conquered Algerian and Anatolian villagers as *colonization*, and as *colonialism* the process of keeping occupied and exposed to violence the Algerians/Kurds rebelling against colonization.<sup>266</sup> When comparing the war of independence in Algeria and political struggle in Kurdistan, he also notices constant state terror and transformative result of counter-violence on the basis of similarities.

Drawing on similarities between Turkish policy towards Kurdistan and British colonial domination over Celtic islands, Bahar Şahin Fırat also presents another comparative study. The process of nation-building project that was planned to be completed through the assimilation of the peripheries into the centre in the period of modernization and industrialization, along with the cultural division of labour overlapping with economic inequalities, paved the way for ethnic conflict, intragroup solidarity and counter-nationalist struggle, which is explained by Michael Hetcher with the concept of internal colonialism; and this analysis allows Şahin Fırat to discuss Kurdistan as a case

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263 See: Göral, 2014, p.6.

264 Göral, 2014, p.6.

265 Ünlü, 2014, p.433.

266 Ünlü, 2014, p. 408.

of internal colonialism.<sup>267</sup> Likewise, Britain's colonial practices in Ireland, its space of exception, and policies of exclusion of the Irish from political life thus reduction of them to bare life, exclusion of the Irish from humanity by turning them into killable bodies, offer examples to be resorted to when describing Turkey's Kurdistan in the 90s.<sup>268</sup> On the other hand, Şahin Firat gives a short catalogue of the state violence that existed not only in the 90s but also before and after that period and aimed at not only Kurds in Kurdistan, but in Turkey, in general, at any organization or individual dissent, which allows her to point out that the 90s have started before and continued after 90s. Nevertheless, the 90s in Kurdistan, which cannot be discussed independently of such vicious practices as forced village guards enlistment, forced evacuations and burning of villages, food embargo, forced displacements, murders by unknown perpetrators, extrajudicial killings, torture, rape and mass graves, is the picture of *genocidal colonial violence* which is not seen in the other parts of Turkey and bears racist quality.<sup>269</sup>

This picture that did not appear *in* other regions of Turkey was also not seen *from* other regions. Disguised as a concept of territorial supremacy and low intensity warfare, measures undertaken under the state of emergency i.e. crimes against humanity, did not find their way into mainstream press and media outlets, academia, "civil society" and public opinion or were presented as military achievements.<sup>270</sup> Şahin Firat must think like Can that it is not a matter of not knowing, but a matter of choosing to ignore, because she argues that the greatest significance of the 90s was the social acceptance of these

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267 Şahin Firat, 2014, p.382-378; Hechter, 1975.

268 Şahin Firat, 2014, p.397-398; Kearns, 2006.

269 See: Şahin Firat, 2014, p.396; Foucault, 2003, p.257; Diner, 2011, p.72-74. For more on war strategies in Kurdistan in the 90's and forced village evacuations see: Jongerden, 2007; For forced disappearances see: Göral, Işık and Kaya, 2013; Alpkaya, 1995; For unknown burial sites see: Özsoy, 2013; For mass graves see: Çiçek, 2011; For arsons in the town centres and cooperation with Hezbollah see: Çelik, 2014; For village burnings in Dersim and food embargos see: Taş, 2007.

270 Ragıp Duran coined the term of "media with epaulette" to describe written and visual media of the 90's. For reportage on the media in this period see: *Toplum ve Kuram* 9: 203-232. Especially Sami Solmaz's documentary "Witnesses of the War" from 2013 is an important visual archive. There is still no thorough study documenting silence of the academia with regard to Kurdistan. Nevertheless taking into consideration that İsmail Beşikçi has been almost a unique case until 2000's, and that in 2000's scholars working on the Kurdish issue with a different perspective than the state-centred one were punished in a number of ways including being subjected to investigations, termination of work contracts, deprivation of earned titles, instead of imprisonment, show that the silence of the 90's cannot be documented.

crimes. She also draws attention to the lynching cases we observed in recent years in the West of Turkey, in other words, “socialization that paves the way for easy delegation [of violence] to ‘sensitive citizen’, in a manner of speaking, by ‘subcontracting’ when necessary” was produced in the 90’s not only by the actors of state violence but also those who did not reject that violence.<sup>271</sup> One can also argue that attempts of lynching are not new phenomena in Turkey, and that they are always supported by official authorities, but carried out by subcontracted citizens. However, the lynching attempt targeted the *building* of People’s Democratic Party’s headquarters in Fethiye on 9<sup>th</sup> March 2014, the hysterical violence that we witnessed when the party sign was taken down among attempts at arson and replaced with a Turkish flag might call for a special examination.<sup>272</sup> If we were to ask after Sartre: “is it not rather the case that, since we cannot crush the natives, violence comes back on its tracks, accumulates in the very depths of our nature and seeks a way out?”<sup>273</sup>

On the other hand, there was another issue peculiar to Kurdistan in the 90s that was also not seen in and/or from other regions of Turkey, namely, resistance. Moreover, violent resistance of the 90s went beyond the fight of PKK militants and took the form of empowerment producing a mass political awareness, social transformation led by women and youth, models of authentic democratization and decentralization. In places where Kurds are in power including Southern and Western Kurdistan, it is impossible not to notice that they conduct a democratic politics which has not vouchsafed to Turkey yet. Neither was it possible to notice the spread of following examples to other political parties of Turkey: Peace and Democracy Party’s rich agenda, as reflected in the minutes of the Grand National Assembly of Turkey, profile of non-Kurdish membership, principles such as quota for women and co-presidency system.<sup>274</sup>

The middle aged today, who spent their childhood and adolescence in the West, obtained Turkishness when growing up in peace and in the comforts of being apolitical, seem to lag behind their peers from the “East”, who gained Kurdishness and political awareness in a culture of resistance constantly replenishing in theory and practice. Like the men against women who first gained womanhood through feminist struggle, then problematized it and now

271 Şahin Fırat, 2014, 401.

272 <http://www.bianet.org/bianet/siyaset/154044-fethiye-de-hdp-binasina-saldiri> [Retrieved: 10 May 2014].

273 Sartre, 2007, (English ) p.38.

274 For more on above mentioned features until Democrat Turkey Party see: Kavak, 2012, 151-201.

join struggle for different sexual identities. It is understandable why women, who are far away from the comfort of enjoying inborn rights, constantly exposed to violence, and obliged to struggle, are ahead of men who lazed about these matters for centuries. Furthermore, one may even say that women are no more busy with a banal men-women dichotomy, that is, they no longer define their existence in opposition to men, but are involved in a deeper and broader gender struggle. In this sense, they send men an invitation to question their manhood too. Obviously neither all women, and – if we return to our comparison – Kurds are at the point we discussed, nor all the men or Turks could read that invitation. Nonetheless, as Ünlü argues, Kurds “in the process of decolonization have liberated themselves from both the Turkish state and oppressive structures of Kurdish community” and it is also possible to assert that “while liberating, they have also liberated the minds of the colonized (Turks).”<sup>275</sup>

Before we move on to discuss the process of liberation, called as decolonization, we would like to share critical views of this process, also recently voiced by the Kurdish political movement itself. Ideological approaches and practices employed in the early stage of “Kurdish liberation struggle” can be addressed by the same criticisms concerning African decolonization process. Following Mbembe, establishing violence as an indisputable instrument in the struggle for self-determination, fetishizing the power of state, discrediting the model of liberal democracy and movement towards a populist and authoritarian mass society are the greatest dilemmas of the liberation and decolonization process.<sup>276</sup> As we have already discussed, important part of this dilemma was removed from the agenda by the Kurdish movement itself through the notion of democratic autonomy. On the other hand, violence is still a sensitive matter. Mbembe’s diagnosis of violent African decolonization struggle cannot be easily dismissed in the context of the Kurdish liberation struggle:

*As such [sacramental practice], politics required the total surrender of the individual to a utopian future and to the hope of a collective resurrection that, in turn, required the destruction of everything that stood opposed to it. Embedded within this conception of politics as pain and sacrifice was an entrenched belief in the redemptive function of violence. As an offering of one’s life on the public altar of the revolution, violence could be expiatory or substitutive.*<sup>277</sup>

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275 Ünlü, 2014, p.432-435.

276 Mbembe, 2002, p.251.

277 Ibid., p.251.

In other words, members of the society “sacrificed” by the colonist, deemed killable and desirable to kill, later do not see “self-sacrifice” itself as deadlock, in holy and redemptive ways of dying.

From the perspective of a person making a decision upon their own will, there is a significant difference between being sacrificed and self-sacrifice. One can argue, however, that personal will becomes less personal than always in cases when the personal will is compensated for the collective one which resurrects through the death of individuals and that death is consecrated. What supports this claim is the fact that to discuss the righteousness of violence against both “coercive and ideological apparatus of the colonial state of Turkey” and the “Kurdish collaborators” and the divinity of self-sacrifice for “decolonization/liberation” is usually perceived as an approach giving harm to the cause, bearing betrayal and threat. It might be said that the right to life in the conditions of war is violated by the enemy or the colonist itself and that counter death is inevitably consecrated. However, it is not difficult to remember that precisely in these inevitable, mandatory, “necessary” situations the politics is cancelled, and notion of inevitability reveals a kind of hopelessness. If it is possible to see Kurdish movement’s proposal of democratic autonomy and persistence on peace as a way out of this hopelessness and return to politics, then we can say that the primary struggle that will liberate the minds of Turks is to stand behind this proposal and persistence.

### ***The State of Serhildan in Kurdistan: political and social struggle***<sup>278</sup>

Kurdistan in the 90s was not only an exceptional space for the state, but it was also an exceptional time for Kurds in terms of severity and popularization of the rebellion. Previous rebellions of the Kurds, who have from the very beginning rejected and revolted against the administrative centralization and modernization reforms of the Ottoman Empire and the projects of secularization and nation-building of the State of the Republic of Turkey, their attempts to form political parties, printed press, cultural and linguistic production, without doubt, prepared historical background for the popularization, social and political transformation in the 90s.<sup>279</sup> Without discussing characteristics, reasons or results, here we will only chronologically list some significant examples of armed rebellions and manifestations of political op-

<sup>278</sup> In Kurdish *serhildan* means uprising.

<sup>279</sup> There are numerous studies pertaining to that long century, therefore here listing just few could be sufficient: Bayrak, 1993; Bozarslan, 2002; Gündoğan, 2007; Özoğlu, 2005, Vali, 2005.

position: Bedir Khan rebellion (1848), Sheikh Ubeydullah rebellion (1880), Kurdistan newspaper (1898), Kurdish Aid and Progress Society (1908), Kurdish Students-Hope Society (1912), Society for the Rise of Kurdistan (1918), Sheikh Said rebellion (1925), Ararat rebellion (1930), Dersim rebellion (1939), Hawar (1932-1947) and Ronahi (1942-1947) magazine, the 49'ers incident (1959), Democratic Party of Turkish Kurdistan (1965), Kurdistan Democrat Party of Turkey (1969), the Eastern Meetings (1967), Revolutionary Cultural Hearths of the East (DDKO) (1969), Revolutionary Democratic Cultural Associations (1974, DDKD), active in the 1970's Socialist Party of Kurdistan/the Path of Freedom, Rızgari, Ala Rızgari, Kawa, Dengê Kawa, Tekoflin and National Liberationists of Kurdistan ((KUK) separated from TKDP in 1977), Kurdistan Workers' Party (1979, PKK), resistance in Diyarbakır prison (1980-1988), collective defence of members of prosecuted organizations in the aftermath of 1971 military memorandum and 1980 military coup d'état.

Social and political resistance built upon these efforts is harnessed by the armed struggle of the PKK against both Turkish Armed Forces and “collaborators” from Kurdish society e.g. tribal leaders, aghas (landlords), village guards and similar groups. For decades there had already been relatively shaped notion of Kurdishness that the PKK took over and could transmit to wider public. On the other hand, the PKK which “radically separated from the romantic manner expressing the national repression or the constitutional reformist militancy,” “was saying to the Kurdish society that they were also responsible for the state of slavery they were in and was declaring that emancipation can only be possible through anti-colonial violence which also contains a dimension against themselves.<sup>280</sup>” Even if the addressees of this declaration were not always voluntary to gravitate to the PKK, that the state associated Kurdishness with the PKK before the Kurds, yielded positive results for the PKK. Akkaya's argument that collective actions that stemmed from “intensified state repression and advancing guerrilla struggle after 1988” became more widespread due to “PKK's organizational work and activism in towns and city centres” as well as “forced evacuations by the state of hamlets and villages with ties to the PKK” was confirmed by Karayılan's analysis: “sections of the society that initiated first *serhildans* in the cities are those patriots whose villages were burnt by the Turkish state.<sup>281</sup>” Akkaya puts forward that “it is not a surprise that first mobilizations that emerged with mass participation in fu-

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<sup>280</sup>Göral, 2014, p.3; Bozarslan, 2014, p.25.

<sup>281</sup>Akkaya, 2014, p.87; Karayılan, 2011, p.181.

neral ceremonies of guerrilla militants in the spring of 1990 were organically bound to and in interaction with the on-going guerrilla struggle and guerrilla organization.<sup>282</sup>

The more their own children joined the *outsiders* in the mountains and became guerrillas the more the Kurds saw the PKK not only as a defence power against the state violence and local hegemony, but also a fair and trustworthy entity that builds the political meaning of their identity and collective emotional ties.<sup>283</sup> The state responded to the establishment of this entity with enlistment of more village guards, burnings and evacuations of more villages, more forced disappearances and extrajudicial executions, especially between 1993 and 1995. Moreover, in terms of the way these policies were implemented there were distinctive differences in comparison with past periods as seen in the example of forced village evacuations. Previous policies of exile of Kurds from Kurdistan and settlement in Turkey were implemented with careful planning as to where and how they would be resettled whereas this time they were exercised as punishment by banishment.<sup>284</sup> Not only burning of the villages but also burning of agricultural fields and forests, killing of the livestock, destruction of nature by dam constructions proved that the state's policy to build strategic sovereignty did not shy away from transformation into "irreversible" war.<sup>285</sup> Living space that was home for many civilizations for thousands of years and held cultural legacy of millions of people was attempted to become an empty war zone or considered so.

In the same period the PKK resorted to methods put into effect before the 90's but with time backtracked. The PKK attacked "institutions and individuals representing the state in the villages and cities" by burning schools, murders of teachers, raids on construction sites, car arsons; with "compulsory military service law", it tried to increase enlistment into the guerrilla forces, to collect taxes from rich Kurds; for village guards and "agents or informers" providing the state with information, it ran "armed propaganda" i.e. deterrent murders, people's courts.<sup>286</sup> Some may argue that on the one hand with its violence against civilian population and their own people and, on the other hand, with

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282 Akkaya, 2014, p.88. These actions against civilians also render the PKK militants as perpetrators of war crimes.

283 See: Ergut, 2014, p.221

284 Işık, 2014, p.32.

285 For more on ecocide in Kurdistan see: Arslan, 2014.

286 See: Çelik, 2014, p.126-141.

its capacity to organize mass insurgency and resilience of armed struggle, PKK's existence in Kurdistan renders state's declaration of the state of emergency *necessary* and legitimate. However, we can discuss the relation between legitimacy and violence necessitating the state of exception and used during the state of exception, from the perspective of the events before, during and after the declaration of the state of emergency.

The state of emergency in Kurdistan did not begin with the official declaration in 1987 because it had already existed due to martial law imposed in 1978. Prior to that, in 1969, the "Mass Village Search" decree initiated large commando operations. Even earlier gendarmerie would raid villages, torture people and inflict violence and justify it as operations against smuggling and banditry or support for Barzani's movement in Iraq. In 1967 "Eastern Meetings" were organized to protest against those raids with slogans such as: "Not gendarmerie, we want teachers!" "Not police station, we want schools!" "Not bazookas, we want factories!" If we take all that into consideration, one may notice that conditions necessitating the declaration of the state of emergency were created by the state itself before the declaration.<sup>287</sup> One of the studies suggesting that the authorities of the state of emergency and the security policies bringing these authorities into force in Northern Ireland were not a response to the conflict, but in fact *partly constitutive of the conflict*, criticizes the official discourse arguing that the state of emergency law in the 1970s was imposed in response to violent uprising in Ireland, reminding that the demand to repeal already then 50 years old "special" legislation was one of the headstones of the struggle of Irish people in the 1960s.<sup>288</sup> As a matter of fact, declaration of the state of emergency does not reveal the threat to the state in the discussed region, but rather it reveals and declares the social, political and legal crisis of legitimacy stemming from the "erosion of the rule of law" underlying the conflict.

It is worth remembering that Kurdish struggle is not carried by only violent means. The 90s is also the period when Kurdish political parties tried to take place in the politics of Turkey. In 1990, People's Labour Party (HEP) was established and was closed in 1993. Soon afterwards in the same year Democracy Party (DEP) was founded, and followed by People's Democracy Party (HADEP) between 1994 and 2003. When five members of parliament from DEP were in 1994 stripped of their immunities and charged with treason it was read as

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<sup>287</sup> See: Gündoğan, 2011.

<sup>288</sup> Bell, Campbell and Ní Aoláin, 2004, p.311.

an attempt to direct Kurds again to the mountains. According to Barkey, even if those parties developed different political worldviews, Turkish public opinion, media and politics considered them equal for not taking enough critical stance against the PKK; and actually, by overlooking the support that the politicized Kurds gave to the PKK, failed to acknowledge the impossibility of any of those parties to keep their distance from the organization.<sup>289</sup> To overlook Kurdish support for the PKK is not an act of simple blindness, but rather may be seen as a way to disregard the PKK's power over Kurds and the state terror that Kurds were exposed to, that partially led the popularization of the support for the PKK. Although ignored, this support did not cease to exist for the Democratic People's Party's (DEHAP) established in 1997 and after its closure, for the Democratic Society Party (DTP) in 2005, which upon its closure was replaced by Peace and Democracy Party (BDP).

On the other hand, this support was manifested not only in the parliament and not just within Turkey. Since the mid-90s, through the creation of a new publicity by means of press, cultural and artistic activities together with civil society organizations, "aiming at the transformation of the society in every aspect rather than taking control over state's power by means of war" was successful in turning passive support into active will<sup>290</sup> According to Sustam, for instance "Kurdish political movement which entered a new era since the 1990's has stressed the social and political function of cultural production... and took into account their contribution to the political awareness."<sup>291</sup> Nowadays, both in Diyarbakir and other cities of Kurdistan as well as in such metropolises as Istanbul and Ankara, theatre, literary and publishing activities in Kurdish and developments in such sectors as Kurdish cinema and television show that cultural production went beyond contributing to political awareness.

Along political and artistic resistance in Turkey, the struggle of the 90's also took place in Europe in legal terms, of course leaving aside contribution of the Kurdish diaspora in Europe to the resistance. Lawsuits filed on behalf of the Kurds against the Republic of Turkey in the European Court of Human Rights (ECHR) started an important process exposing that state's official discourse was built upon the alteration of truths. In the first case the ECHR examined violations in Kurdistan and decreed against Turkey in 1996 (*Akdivar*

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289 Barkey, 1998, p.130.

290 Akkaya, 2014, p.95; Especially see: Jongerden and Akkaya, 2013, p.136.

291 Sustam, 2014, p. 257.

*v. Turkey*) proving the burning of Kelekçi village by the state in 1992.<sup>292</sup> In addition, the state's argument that domestic remedies had not been exhausted was rejected by the Court due to lack of evidence that "the remedy was an effective one available in theory and in practice at the relevant time, that is to say, that it was accessible, was one which was capable of providing redress in respect of the applicant's complaints and offered reasonable prospects of success."<sup>293</sup> Çalı argues that with the participation of applicants, lawyers, judges and ECHR clerks, an alternative narrative to the official one appeared and a kind of truth commission work revealing the human dimension of a mass atrocity was conducted in the hearings before ECHR. This legal struggle carried out by Kurds individually, bearing no direct political character, despite all drawbacks, continues to portray the crimes of the state in Kurdistan as well as extends the dictionary and repertoire of struggle.

The whole story told above, even in its incomplete version, demonstrates that the Kurds were the addressees of the question not only as victims but also as political actors in the 90s. Today's demand for peace voiced by the Kurds also illustrates such self-confidence. Since a majority of Turks, unlike Kurds, did not experience war in their own yards collectively, they might not comprehend the meaning of the demand for peace. It could also be possible that they know very well that it is a demand for equality, and that's why they do not want to share Kurd's demand for peace. Since comparing Turks and Kurds as two large and homogeneous groups in opposition would be incomplete, we will try to partially complete this comparison by drawing on two more comparable groups, namely Peace Mothers and Martyr Mothers. Participation in political life of Peace Mothers, who struggle for democracy in general, and for their individual and collective rights in particular, unlike in the case of Martyr Mothers, does not start with the loss of their children.<sup>294</sup> Their children's membership in the PKK and "martyrdom", which constitute only one aspect of the injustice Peace Mothers were exposed to throughout their whole lives, also pave the way for their politicization process.<sup>295</sup> What makes Martyr Moth-

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292 See: Çalı, 2010, p.318.

293 Atılğan and Işık, 2011, p.32; <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58062> [Retrieved 19 March 2015]

294 For a detailed comparison see: Sancar, 2001; Gedik, 2009; Şentürk, 2012; For more on Peace Mothers see: Can, 2014a; For more on the role and place of women in the general Kurdish movement see: Çağlayan, 2013.

295 In case of military families only male children could earn status of a "martyr," while in the PKK families both male and female children could "be bestowed," which is an important subject for further examination.

ers obliged and confined to remain apolitical, however, is the loyalty to the state. These mothers are under the protection of the state and army, which are considered to be free from any political party or ideology and above politics. Thereby, they also place themselves above politics and in fact, in a sense, they were disqualified from using political instruments to end the war. Rather than as an accountable and interrogable one, the “anti-terror discourse” is utilized as an instrument of consolation which nurtures Martyr Mothers’ feelings of vexation and turns them into a desire of retribution. It allows them to ignore broader social, economic and political injustice that comprises the Kurdish issue and the Kurds’ struggle for peace.<sup>296</sup> The only thing they want is for the state to end the terror and eradicate “evils.”

According to Martyr Mothers, justice is also a “state’s affair” in the same sense. Therefore these mothers do not see any role for themselves in the quest for justice and peace. In fact, since they could not transform their anger and vexation into a political language and identity, they are trapped in the position of victimhood and in fact out of the political and public sphere. Unlike Martyr Mothers, Peace Mothers are on daily basis greatly involved in social and political activities, which contribute to these mothers’ self-consciousness and awareness of the process. Politicization based upon awareness of injustice created by social, political and economic structure brings Peace Mothers close to become political actors of the call for justice and the peace process.<sup>297</sup> Can’s observations provide good summary:

*Peace Mothers have gathered great experience in terms of both discourse and practice upon a possibility for peace and justice, forgiveness, loss and pain. This experience is very important not only because it appeals to the private and the political, to the private sphere and public sphere at the same time, but also because it broadens the scope of politics, for they struggle for an honourable peace in all areas of politics without distinction between legal/illegal and civilian/military.<sup>298</sup>*

Recent example of Peace Mothers’ involvement in various political issues is Izmir Committee of Peace Mothers’ visit in Soma in May 2014 in order to of-

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296 See: Gedik, 2009, p.31.

297 Even though Çağlayan claims that the struggle of Peace Mothers is not in the position to change traditional role of Kurdish women in politics and society, she adds, however, that “we must not ignore the influence on the opening of such a site of struggle, though at the beginning they acted within traditional gender roles, they entered public sphere and (were) empowered.” (2013, p. 237).

298 Can, 2014a, p.41-42.

fer condolences to the families of those who died in a mine disaster.<sup>299</sup> They resemble Argentinean Mothers of the Plaza de Mayo, who participate in students' protests and workers' strikes, saying that they "turn the pain into struggle," "politicize motherhood."<sup>300</sup>

Is it possible for Martyr Mothers to see Peace Mothers as political friends, to become political subjects joining in the call for justice and peace? What can motivate not just Martyr Mothers, but all segments of Turkish society to join Kurds in their quest for peace and justice are studying the gos, forcing the state to come to terms with the gos and to acknowledge the crimes against humanity committed in the gos. On the other hand, it does not seem realistic to see in the near future such a political will arise from the state with a mentality that continues to protect the responsible ones by *statues of limitations* and *impunity*.<sup>301</sup> The concept of statues of limitations "was transposed to criminal law from civil law and means that the state which after a specified period of time did not initiate legal proceedings, withdraws from pursuing the case and/or punishment," however, it is argued that "the foundations of statues of limitations that were transposed from civil law [are debatable], when it comes to torture, extrajudicial killing, forced disappearance, death under custody and similar severe human rights violations or murders by unknown perpetrators."<sup>302</sup> Yet cases pertaining to the crimes committed in Kurdistan "were brought under the former Turkish Penal Code (law no. 765) in which the statute of limitations for a murder investigation is just twenty years" and thus "on-going investigations where no measures towards prosecution have been initiated are timed out after twenty years."<sup>303</sup> In this respect, it is either too late or there is narrowing window of opportunity to investigate crimes committed particularly between 1993 and 1995.

Impunity in international law is defined as "a failure by states to meet their obligations to investigate violations; to take appropriate measures in respect

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299 See "Peace Mothers embrace Soma mothers" [http://www.ozgur-gundem.com/?haberID=108135&haberBaslik=Bar%C4%B1%C5%9F%20Anneleri%20Somal%C4%B1%20annelerle%20kucakla%C5%9Ft%C4%B1&action=haber\\_detay&module=nuce](http://www.ozgur-gundem.com/?haberID=108135&haberBaslik=Bar%C4%B1%C5%9F%20Anneleri%20Somal%C4%B1%20annelerle%20kucakla%C5%9Ft%C4%B1&action=haber_detay&module=nuce) [Retrieved 22 May 2014].

300 See: Goddard, 2007, p.88.

301 For comprehensive study of "impunity" in Turkey see: Kurt, 2014.

302 See: Atılğan and Işık, 2011, p.61.

303 *Time for Justice: Ending Impunity for Killings and Disappearances in 1990s Turkey*, 2012. Human Rights Watch, p.45; <http://www.hrw.org/node/109656/section/8> [Retrieved on 19 March 2015]

of the perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are prosecuted, tried and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations.”<sup>304</sup> In fact, those trials that overcome impunity and statutes of limitations then fail due to various irregularities. The most widely known examples of such failures are JITEM case and *Temizöz and others*.<sup>305</sup>

The core problem behind these failures is lack of social and political will to come to terms with the past, insomuch that there is still strong resistance against it. Indeed defendants in *Temizöz and others* must have trusted in such lack of will since “in their statements they often claimed that they were at war with terror to protect the interests of the state, that their actions could not be considered criminal and that it was unfair to appear in the dock though they should have been rewarded.”<sup>306</sup> However, it seems that this cannot have broken victims’ resilience in quest for justice. Kerime Elçi, who says she was

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304 Atılğan and Işık, 2011, p.11. English: Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity, UNCHR, 2008.

305 JITEM case contains two separate files. “Seven people were indicted, including retired colonel Abdülkerim Kırca, who committed in the meantime suicide in 2009, Mahmut Yıldırım code name “Green,” PKK member turned informer Abdülkadir Aygan and sergeant major Uğur Yüksel. They were indicted on charges of creating an organization to commit crimes ‘under the name of JITEM “allegedly in the name of the state” but in fact illegally; forcing confessions by torture and killing with premeditation. Indictment could only be ready 13 years after the investigation had started and due to dispute over jurisdiction among High Criminal Court, Special High Criminal Court and Court-martial proper court was assigned after 17 years. The other case involved 11 defendants, including Abdülkadir Aygan and other PKK members turned informers as well as intelligence workers. They were indicted based on article 313 of Turkish Criminal Law (Law No. 765) pertaining to “creation of a criminal organization for the purpose of engaging in criminal activity” and article 450 “killing more than one person”...All of defendants were released pending trial” (Atılğan and Işık, 2011, p.35). “Former Gendarmerie Regiment Commander retired colonel Cemal Temizöz and former Cizre Municipality Chief Kamil Atağ were among seven defendants, six of whom were in jail pending trial. Diyarbakır 6<sup>th</sup> Special High Criminal Court heard the case. Punishment was demanded for such crimes under Turkish Criminal Code as “murder,” “creation of a criminal organization for the purpose of engaging in criminal activity,” and “solicitation of murder.” Prosecution demanded for Cemal Temizöz 9 aggravated life imprisonments, for Kamil Atağ 7, Temel Atağ 2, Adem Yakin 7, Hıdır Altuğ 3, Firat Altın (Abdulhakim Güven) 6, and for Kukul Atağ 1. The indictment accused defendant colonel Temizöz of forming, when he was assigned to his duty in Cizre in 1993, in the name of “war on terror” an “organization consisting of village guards, informers and sergeant majors” and having this group arrest 22 people on suspicion of helping the PKK or other reasons, interrogation under torture, forced disappearances or murders.” (See: Atılğan and Işık, 2011, p.38).

306 See: Atılğan and Işık, 2011, p.39.

“shaken” when she saw in the court seven defendants accused of killing her husband, Ramazan Elçi, adds that “but I promised myself that I will fight for justice till the end.”<sup>307</sup> Saying “justice,” Elçi must be referring to punishing Temizöz and others. What the victims really mean when they say justice after twenty years? What’s the definition, the addressee of this quest for justice? They have a quest for justice that does not end with the justice served by criminal law, i.e. punishment or material reparation. They also have demands that cannot fit into court rooms such as apology, finding the missing, truth telling, peace. The addressee of these demands is not just the state, or in fact, the state sometimes is no longer the addressee. They are vexed. When they say “I never forgive,” what do they mean? What does resentment they feel at the state, responsible ones, perpetrators, bystanders mean? To whom do they turn? From whom do they turn away? What are the conditions for those who say “I forgive”? Who are those who forgive unconditionally, what do they suggest? What for is the persistence of those not offended? What is the place of the PKK in their lives?

We asked these questions to them. Some went unanswered, we could make a guess about some, we knew them, we heard we heard of some for the first time. Though this is not the best way to convey these answers, we can merely create a document of human conditions bearing political character. To whom we want pass this on? The non-Kurdish members of the society in Turkey? The state of the Republic of Turkey? Though we think that there is nothing they do not know about these things, we cannot stop ourselves from this effort. Is it still possible, after a century, to strive for the same as Zabel Yesayan, who came to Adana in 1909 shortly after massacres of Armenians, found the survivors and told the suffering in a book *Among the Ruins*, where she writes: “I strive to bring together this absolute misery and my whole nation, even our fellow citizens who are alien to our nature and our pain.”<sup>308</sup> Was this even possible a hundred years ago? Perhaps Yesayan deep down knew that this would never be the primary effort so that she tried to define “the purpose of serving the whole homeland:” “If only I had been able to sincerely express that the bodies bowed under the whip of oppression had will, feeling and that their souls were replete with the holy fire... perhaps no one would dare anymore to despise those humble people, approach them with hatred.”<sup>309</sup> Per-

307 Kerime Elçi told as such how she felt when she for the first time saw seven defendants accused of killing her husband Ramazan Elçi; see *Adalet Vakti*, 2012, p.20; footnote 56.

308 Yesayan, 2014, p.31.

309 Ibid., p.31.

sonally, I also wish to be able to conduce to such impossibility. Naturally, I will not offer my own testimony. My testimony is not a testimony of an atrocity anyway. I only testified the testimonies of those who witnessed the atrocity. Nevertheless, I guess I am familiar with what Nichanian says about Yesayan in the preface he wrote to *Among the Ruins*:

*Yesayan wants to give meaning to the Catastrophe; she wants to give meaning to all those deaths, all those awfully meaningless deaths and, of course, in this way at the same time she wants to justify what she wrote down and her own act of writing. Because when there is loss of meaning, there is threat of madness. Yes, mourning is what all around the world gives meaning to death. When faced with the Catastrophe, however, the opposite happens: to make the mourning possible a meaning is needed.<sup>310</sup>*

Generalizing Nichanian's careful and persistent naming of the Armenian genocide as the Catastrophe, if it is possible without disrespecting Armenians and Nichanian, we may say that the fact that the majority of the people writing about those kinds of atrocities, as Nichanian describes, try to find meaning for the deaths and their own writing, is just going after a probability. To know that justice, testimony, forgiveness, even democracy is just a probability, does not increase the impossibility of these possibilities but the responsibility that probability of impossibility imposes on us. Trying to fulfil this responsibility is also ultimately personal defence of the writer against the "threat of madness."

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310 Nichanian, 2014, p.22.

## *Chapter 4*

### **A possibility: Telling, Naming, and Giving the Meaning**

Listening to what happened in Kurdistan in the 1990's and especially hearing the witnesses of that period is surely more difficult than reading political analysis or even written testimonies pertaining to that period. Narratives evoke horror and grief. Especially if one grew up in the West of Turkey, one may find themselves wanting the stories not to be "real." The moment when you doubt that the narrative is real, however, is the moment when the distance between you and the narrator grows. Essentially, that is when you start looking for a lie. Whereas, in fact, it does not matter how much "true" the stories might be. The narratives are the truth of the speaker, they reflect their state of mind, needs, expectations and emotional, intellectual and social relation to the society they live in.<sup>311</sup> When you see that some insist to telling details, while others talk reluctantly, you feel that what they cannot or do not say, are "truths" and that they are more than what you hear or that you can never hear the truth. Something more than words always stays between you and them... Often they talk by touching upon their grief, beat their chest, cover their mouth, rub their faces. Their hands move around in a lacuna that has nothing to do with their capability to express what they lived or whether they are eager to tell or not, it only tells that what happened cannot be witnessed; it is the lacuna that words cannot fill. Because violence they experienced is "at the same time a way to invalidate their testimonies... practice of systematic state violence annihilates the testimony or a possibility for testimony since it is impossible to talk about it or compensate for."<sup>312</sup> Power to testify was in a significant degree taken away from survivors. Real witnesses, who are the only ones who can tell the whole story and can bear witness to the capability of human being to victimize, however, are not alive anymore.<sup>313</sup>

So what is the purpose and meaning of a study that invites people to talk, despite the fact that some things can never be witnessed, can never be fully told? Is it possible to imply what cannot be witnessed but only became sensible via what has been told? All we can do is to try to hear, understand and imagine the lacuna lying at the heart of testimony<sup>314</sup> What can be conveyed,

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311 Fujii, 2010, p. 234.

312 Göral, 2014.

313 See: Nichanian, 2011; Agamben, 1999, p.13.

314 See: Agamben, 1999, p.13; Quattrone, 2006, 149.

shown or proven to others is the lacuna stemming not only from the lost lives, limbs, feelings, lands, houses and animals but also the unspeakable character of that loss. The only thing we can witness with the help of the survivors is that lacuna itself. People may want their narratives to become tangible evidence during legal process of criminal justice for moral and material compensation claims and you will say “I wish it was so.” To start mechanisms of reparative justice, on the other hand, one must acknowledge the existence of this lacuna. It is the effort itself - that will remain permanent despite impossibility - which will build, restore and get closer to justice in the relations.

What will be conveyed in this chapter can only give a sketch of the lacuna discussed above. We followed a number of principles while conveying what we heard. When it was possible we tried to cite longer parts to maintain coherence. We took into account interviewees’ safety and tried to quote details that could not be expressed with words without colouring. On the other hand, keeping in mind recent critical approaches and following Hannah Arendt we tried “not to be objective.” It will be said again, but it is important: for Arendt as long as there is poverty, feeling angry at that poverty will remain one of the traits of that poverty, and to relinquish the right and even the responsibility to express that anger is to renounce a human faculty.<sup>315</sup> Just like resentment could be an extension of a possible political friendship and we interpreted it earlier as vexation, here we can interpret anger as a way to raise awareness against injustice. Objective, scientific methods render injustice invisible for academia and society. We already know that various kinds of injustices that are not taken to the agenda of the academia and public opinion are actually ignored by the allegedly objective and scientific approach, which is itself a subjective approach taking side with the dominant discourse. We have also learned with feminist and post-colonial approaches that the principle of objectivity has been utilized to give legitimacy for the dominant discourse and to discredit knowledge produced by non-hegemonic groups. Nazan Üstündağ considers subjective, intuitive, singular, truth-based approach which does not suit to and so is ignored by the dominant masculine social sciences based on objectivity, rationality, generalization and fact-obsessed approach, as “ways of knowing” of the oppressed, particularly women.<sup>316</sup> From the perspective of this study, the most important issue she points at is the relation between objectivity/subjectivity on the one hand, and politics on the other:

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315 See: Arendt, 1994; Geddes, 2008, p. 4.

316 Üstündağ, 2014.

“Fiction of objectivity, i.e. discourses normalizing the production of knowledge by a social scientist through taking a distant position to the subject matter they study, are based on making us forget that social scientist has a social existence. Each individual, however, is entangled in social relations and with varying degrees of distance constantly makes political choices.<sup>317</sup>” The concern of objectivity, in this sense, is a political choice this study keeps away from. In other words, what drives this study is not a desire to “get information,” “get informed,” or “inform,” but to provide a text helping envisage a universe that lost its witnesses.<sup>318</sup> The biggest concern, however, is to create a text that will tell the story the way it was told, so that the interviewees can see themselves not too much distorted in the chapters pertaining to them. If they had written down their narratives, it would be different. I am writing with the hope that they at least think “it is worth telling” and that it contributes to “the possibility of living together.”

### ***The Route and Interviews***

In January and February 2014 we met with fifty six people from twenty one families in city centres, provincial towns and villages of Muş, Van, Hakkari, Mardin, Batman, Diyarbakır and Istanbul.<sup>319</sup> We will introduce each person below, together with their family. We interviewed eleven families that lost relatives due to “extrajudicial executions;” two families due to execution under custody. Two of them have not heard from their relatives after arrest, two, however, without arrest, that is, their relatives are known as forced disappearances. Three families lost their loved ones because their houses and/or workplaces were torched or exposed to mortar shelling and one because the household was fired at.<sup>320</sup> Seven people were lost in 1993, five in 1992, three

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317 Üstündağ, 2014.

318 See: Quattrone, 2006, p.145.

319 In Muş we met two people from two families: in Bitlis four people from one family; in Van from one family two people and from another family three; in Hakkari from two families two people, from one family three and another family four people; in Şırnak from one family three and from another family four people; in Mardin three people from two families; in Batman from two families two people and from another family three people; in Diyarbakır from two families two people, from one family three and from one family four; in Istanbul we met two people from the families we interviewed in Kurdistan.

320 In order to avoid as much as possible further distress of the interviewees, prior to our visits İshak Dursun established relations with the families with the help of MEYADER (Mesopotamia Missing Individuals' Family Solidarity Association) and IHD (Human Rights Association).

in 1994, two in 1995, two in 1996, one in 1991 and one in 2005. We interviewed thirty two women and twenty three men. The youngest interviewee was twenty and the oldest was seventy years old.<sup>321</sup> We tried to talk to at least two members of each family from different age and gender groups. Though the shortest interview lasted sixteen minutes and the longest eighty seven minutes, in general, on average during half a day of family visits, we interviewed each person face to face for forty five minutes. Our interviewees were allowed to choose language of their preference; thirty interviews were conducted in Turkish and twenty five in Kurmanci dialect of Kurdish.<sup>322</sup> Apart from three interviews that took place in such places as a café, NGO or workplace, others took place in the houses of interlocutors. Based on our observations of houses and workplaces we are able to say that interviewees represent different economic classes. While we did not encounter noticeable wealth in any of the houses, we did observe obvious poverty in few households. In general, families belong to lower-middle class, however, those families that lost fathers or oldest brothers, struggled for a long time to reach this economic standing. This study was conducted without an aim to reach general conclusions. Taking into account diversity in Kurdistan i.e. differences within the same region or even city and provincial towns and villages; social and economic differences among families; differences in terms of age, sex and education levels; differences in experiences of injustice; language difference and even difference in location and timing of our interviews made general conclusions unattainable from the start. On the other hand, each story represents certain problems, demands and trends existing in Kurdistan. In this sense, these narratives of survivors of the infamous 90's, injustice they experienced, their thoughts and feelings can be meaningful for those who hope for political friendships or who search for justice and truth about Kurdistan.

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321 12 people were aged 20-30, 16 were 30-40 and 23 were 40-60. Except for one nephew and a cousin, all interviewees were first degree relatives of the victims. All women, except for 5 were housewives. Most of the men were workers, farmers and entrepreneurs, two were public officers. Out of 3 university graduates, one was a woman, out of 5 high school graduates, one was a woman, out of 5 secondary school graduates one was a woman, and 1 woman was still a secondary school student. The other interviewees have either completed primary school or dropped out or never started school.

322 Interviews in Turkish were conducted solely by the author with the exception of one. Twenty one interviews in Kurdish were conducted by Berivan Alagöz and four by İshak Dursun. Interviews in Kurdish were translated and into Turkish and edited by interviewers. They were translated to English from Turkish versions. All the interviews were fully recorded; those not on the record were not used in this study.

***“What you’ve been through? What you’ve seen?”<sup>323</sup>***

Our first request from interlocutors was to tell us what they had been through. “That day” for everyone was a strong memory and had enormous significance that could last a lifetime.<sup>324</sup> To describe their suffering, our interviewees mostly used such words as: atrocity, cruelty, flood, massacre, doomsday, catastrophe, agony, calamity. Mukaddes Hanım, quoted already in the Introduction, said “words have already buried themselves.” What she meant by this was that there are no words that could describe or express the things that happened. Even if there was such word, if someone wanted to express their suffering with words and could even do that, then “it was as if one’s touch with these words and hence with life itself had been burnt or numbed.”<sup>325</sup> Perhaps sometimes not to pronounce certain words is a way of moving on or maybe mourning...

When we could not get information we were looking for, we would not ask questions and if possible we would not interrupt, but just listen.<sup>326</sup> Relatives close to the victims in emotional or physical terms, or if age allowed them to, remembered everything about past events, including the tiniest details.<sup>327</sup> They remembered such details as the time of the year, hour, where were they

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323 Azize Hanım, who will be described in detail later, said during interview that these were the questions she would like to be asked.

324 Nurcan Baysal in her book “That Day” tells stories from Kavar Havza village close to Tatvan. She shows significance of “that day” in lives of the people.

325 Veena Das, 2003, p. 304.

326 In the first stage of the study we shared our ideas about questions with academicians and representatives of civil society in Istanbul and Diyarbakır. People who contributed to this study during meetings and conferences that took place in September and December 2013 are: Özgür Sevgi Göral (Center for Truth, Justice, Memory), Ayşe İclal Küçükırca (Mardin Artuklu University), Bülent Küçük (Bosphorus University), Nazan Üstündağ (Bosphorus University), Şemsa Özar (Bosphorus University), Cihan Aydın (Diyarbakır Bar Association), Mehdi Perinçek (Human Rights Association, former Diyarbakır region chair), Gamze Yalçın (Human Rights Association Diyarbakır Branch), Murat Aba (Human Rights Foundation of Turkey, Diyarbakır branch), Lezzin Yalçın (Civil Society Development Center, Diyarbakır branch), Övgü Gökçe (Diyarbakır Art Center), Barış Yavuz (Human Rights Foundation of Turkey), Hamit Acur (Migrants’ Association for Social Cooperation and Culture), İ. Halil Oruç (MeyDer), Yılmaz Kan (Migrants’ Association for Social Cooperation and Culture), Hulusi Zeybel (Human Rights Association Istanbul branch), Neslihan Yürük (Human Rights Association Istanbul branch), Hüsnü Yılmaz (European Association of Lawyers for Democracy and World Human Rights), Nurcan Baysal (Diyarbakır Institute for Political and Social Research, DISA), M. Emin Aktar (former chair of Bar Association, Diyarbakır branch / DISA), Semahat Sevim (Heinrich Böll Stiftung Association/DISA). We are grateful for their contribution.

327 12 people among interviewees were below 10 at the time of the events.

at that time, what were they doing, what they heard, saw, wore, ate or carried. All these and information about departed were conveyed by women and children in particular. Though we knew, we wanted to hear from them what the underlying reasons for their tragedies were, why their relatives were targeted. Impact on the family was one of the topics introduced by the interlocutors themselves. However, we had to ask about impact on them personally. As far as we could say, those who had earlier shared their stories with the public, as well as most men, spoke as representatives of the whole families and used political language. They also tended to tell stories prepared beforehand, and did not talk much about themselves. Those Interviewees who did not share their narratives before, as well as women, did not feel comfortable sharing their stories with a “stranger” or did not see any importance in sharing personal pain and therefore avoided talking about how personally they were affected by their families’ ordeal.<sup>328</sup> Without being asked, interviewees talked about the funeral and mourning process, especially if there were any obstacles to have traditional funeral ceremony for deceased. When we are introducing our interviewees below, we will give place to the events and experiences they had, their impact on their lives as well as the funeral and mourning issue in detail.

In order to portray interviewees’ understanding of justice and their beliefs, we asked who they hold responsible i.e. which institution or person and whether they see culprits as the perpetrators or those responsible in charge. Generally they told us of their own accord the actions of the authorities in regard to their formal complaints against perpetrators and those in charge. We tried to find out under which circumstances their suffering could be “relatively” relieved; what their demands are in terms of material reparation, formal apologies and revealing truths; what they think of criminal prosecution of perpetrators, sentence reductions and amnesty; what their expectations of the state and Turks are. We will present our findings below in the chapter titled “Awaiting Justice: State is the Address” in regard to post-conflict justice mechanisms, already conceptually discussed in the first chapter “Coming to terms with the Past: In Search for Justice.” In the chapter “Thinking Justice: Turks the Brothers/Sisters” we will present interviewees’ stand on a possibility of facing perpetrators, conditions for forgiveness and/or *helalleşme*, meaning and social equivalent of forgiving or not forgiving, and their political emo-

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<sup>328</sup> For more on how women perceive talking about their experience as “unnecessary” or “unimportant” see Bozkurt and Kaya, 2014.

tions and opinions with reference to the notions of forgiveness, resentment and vexation. Before moving on to legal and political debates, we would like to introduce people we interviewed and injustices they have been subjected to.<sup>329</sup>

### ***Victims, Witnesses and Survivors***

We will introduce interviewees in relation to the route and we will provide information about their own and their families' stories and impact they had on them using what they told us of their own accord, especially their repeatedly uttered statements. Naturally, at times highly emotional narratives and painful images may appear. To be able to see a more nuanced portrait of the interviewees, we urge readers to take into consideration their answers in the following chapters. To our best knowledge we tried to share information about age, education, occupation and marital status. Although we did not address interviewees in such manner, here we will use after their names and titles "bey" and "hanım."<sup>330</sup>

### **Muş: "It can't be as it was"**

Our first interview is with **Abdülkerim Bey**, who in October 1993 was arrested at a school building together with his father and two other man, who had been arrested and threatened before a number of times. Right now he is 43, politically active and works in a public institution. He escaped from school, while his father and the other two men were kept there for 18 days with full governor, mayor, squadron commander, MPs from the region and even prime minister's knowledge of their captivity. Their bodies were found the very same day that the information and guarantee of their release were given. When they went to claim bodies from the hospital: *"the prosecutor at that time together with two officers from special forces tried to blame the other party. Of course we didn't accept it,"* said Abdülkerim Bey and added: *"execution by the organization was not the matter of discussion. This person was under arrest and the whole Muş knew that...he was captured by the state and murdered by the state."* Abdülkerim Bey also explained why his father was targeted:

*"There were two reasons why my father was targeted. First of all, he was in-*

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329 To protect identity of interviewees we will only use their first names and names and surnames of the lost ones will not be given.

330 *Bey* is equivalent of English *sir*, and *hanım* of *má'am*. Like in English, these are respectful forms to address a person .

*terested in Kurdish problem. Secondly, his interest in Kurdish problem as a religious person. The policy of the state at that time was to see this as a matter of few Armenians, bandits, separatists and marginal people. The authorities would not allow anyone to question this narrative and say that there is a just cause, especially not a person who had some kind of respect, audience and religious authority in the region.”*

The authorities mentioned above, would not miss any chance to intimidate the relatives and loved ones of the deceased:

*When the bodies arrived at the hospital the crowd started to gather. To disperse that crowd...they drove panzers on the people...when they were brought to the village for burial they shot at the funeral convoy... [on the second day of the condolences] since the morning till the night they were constantly shooting in the air from the police station so that no one would come to pay respects.*

The third day they were forced to leave Muş. He could not find the word to name what they have been through:

*To express the agony we've been through, the pain this region has been through, the pain that hundreds of thousands of families have been through one cannot find words, I mean, there are no words to express that... You suffered due to your sense of belonging, which is your natural right.*

We could not interview anyone else from Abdülkerim Bey's family due to unfavourable conditions. There is one more person, only whom we interviewed with from her family, not because of unfavourable conditions but because no one else is alive apart from her: **Aysel Hanım**, 39, married and a mother of five. Again, it was in October 1993 when her father, step mother, and seven siblings between ages one and three were burnt in their home. Aysel Hanım is one of those people who “could lay bare the whole misery of the world just with their story<sup>331</sup>.” In the aftermath of a skirmish around the village and deaths of a guerrilla fighter and a non-commissioned officer, the captain, who had promised to burn the village, did burn it. He gave the order to set on fire one of the houses by the entrance to the village, which belonged to Aysel Hanım's father, a carpenter and farmer. According to Aysel Hanım and other witnesses' testimonies, those trapped in the house were not allowed to leave, neither were they allowed to throw the children from the windows nor the onlookers were allowed to help:

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331 See: Yesayan, 2014, 94

*We suffered a lot that evening...I mean, it was burning, we looked through the window, it was burning...they were four of them [soldiers], in front of the door, and they did not move...I was crying all the time, I said 'my family, my siblings, are inside'...whenever we tried to get closer they would beat us. They would again take us in...in the morning, before dawn, the soldiers seemed to be getting ready...one of them climbed on the top [of a house], and, pardon me, pissed toward us, he was laughing at us...in fact it wasn't a soldier, but from special operations teams. Some soldiers were crying.*

Aysel Hanım was not the only one who would make a distinction between soldiers and members of the Special Forces. In many places, despite the same uniforms as normal soldiers, members of the Special Forces were identified by their weapons and their body build as well as taking pleasure in cruelty and mercilessness. Those teams, known as special operations teams, are remembered to be spreading the most terror in Kurdistan in the 90's. It also subsequently reminded the attempts at "blaming the other" for that terror: *"they gathered all the men, who cried or looked the wrong way was beaten... [above mentioned captain] had them taken near to the municipality... there he gave a speech... 'if we hadn't made it on time, the village would've been completely gone.'"* He meant that if he had not arrived in time, the village would have been burnt by the PKK. Aysel Hanım, hesitating a lot, weeping and taking long pauses, continued:

*Later, when the men came, they took the bodies. They say I saw them, but I can't even imagine the corpses, how they were. It means, they must've been burnt like coal...Anyway, for three or four days I was out of my mind, I didn't even know what were those condolences for...I'm alive, but every day I'm going up in flames. I don't want my children to see me like that. I'm trying to be strong for my children.*

An imam and a shop owner, the father of already mentioned Mukaddes Hanım, was among the men arrested and beaten in front of the municipality in the morning after that night, when Aysel Hanım said "we suffered a lot." On account of torture while in detention he was bedridden and could not leave the house, but eleven days later her father was again taken in and has never been heard from, that is since November 1993. Mukaddes Hanım is 27 years old, single, secondary school graduate. She is not actively interested in politics. Like her siblings, after enforced disappearance of her father she did not continue education. Most of her siblings, either due to pressures or in search for work, were forced to migrate to Istanbul or abroad. We inter-

viewed Mukaddes Hanım in her older brother's house in Istanbul. Mukaddes Hanım told about twenty one years of life without a father, or rather, waiting for a father without any knowledge of his whereabouts or if he is alive:

*Actually, it'll be best if I say that they've taken away our happiness. Because they've taken our future...In one moment, one day everything was gone...now you can't even dream. Because your father is not in that dream. The most important part of the house is gone, its foundation. No matter how much you fill it, when you look closer the most important thing is missing. Anyway it collapses... above all I want to see my family together just one more time. Even for just one day, altogether, just like we would sit by the dinner table when I was a child... think of it, for twenty one years I've been missing that dinner table.*

Mukaddes Hanım's 24 years old brother, Ekrem Bey described the loss of his father as "starting from the scratch" and talked about his father's legacy as follows:

*...after my father was taken away my life and my family's life turned into a nightmare. How did it turn into nightmare? All the time...you had to begin again, start everything from scratch...we did all we had to, we did our best. We defended ourselves, defended our father...even now, when we are living our lives, we don't live them for ourselves. When you make a sentence, you try to say something befitting to his legacy. You always watch your manner, what you wear...whatever you do; even when you make a mistake, that mistake can be attributed to your father. That's why we tried to adopt his views, follow his path, we made them our comrades.*

What was their father's way? "He wouldn't accept injustice. He wanted to return to his mother tongue, his primary identity...he would speak it out, give voice to it on every occasion: 'You see, this is collective equality, this is a God-given right. It's out of the question whether someone can take this right away from us.'" Then he cited response he got from an administrative body upon his request to trace his father's whereabouts:

*If you say what we want, we'll do everything to help you financially...just change your statement and tell us that 'my father was taken by the terrorists, PKK took him away and they killed him'. Then we'll do all that lies in our power to help financially, morally or whatever else is needed.*

Ekrem Bey got accepted to university but his conditions did not allow him to study. He runs a business in the village. To ease his mother and siblings' lives he is building a new house, but his mother insists on staying in the old house, from which his father was taken away: "whenever a car passes, my mom

*goes out thinking that perhaps they brought and left him somewhere, brought and dropped.”*

**Cemile Hanım** is 60 years old and does not speak Turkish, but she talked to us as if she had heard what we talked about with her son:

*You know, there’s this wound in a person’s body...no matter how much you try to peel off the skin, the wound will resurface...it cannot ever be forgotten... today this little piece of paper is there...no matter how beautiful your handwriting will be on it, when I take [this paper] into my hand and do this (she’s making a crumpling move), in any case it won’t be what it used to be any more.*

Even if good things happen for Cemile Hanım, her life is just like that crumpled piece of paper, there is no way to make it as it once used to be. It is not just about waiting for her husband, but also about 18 years she’s spend without seeing her son, who fled the village in fear of draft or arrest. Perhaps this infinite inexhaustible yearning is the reason why she was pleased to have been visited: *“You know, no matter how bad you feel today, when someone sits with you and asks about your situation, you get a little bit better.”* However, obviously we are not whom she has waited for. As a matter of fact, her daughter, Mukaddes Hanım, criticized the wise people delegation who upon visit in the village did not meet them<sup>332</sup>: *“Although they mentioned my father’s name...none of them didn’t call his son or wife, they didn’t say ‘let’s see the wife’... so my mom’s heart was really broken, sorely broken. Well, one hurts. You sacrifice so much, do so much.”*

### **Bitlis: “They took him away”**

The next morning we arrived in a village where we were going to meet Nihat Bey. This is one of the villages forcefully evacuated in the 90’s. On the one hand, this village was under great pressure from village-guards and on the other, many people joined the PKK. In November 1993 some people who *“dressed as guerrilla fighters”* knocked on Nihat Bey’s father’s door. They asked

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<sup>332</sup> In the period referred to as “resolution process” the government formed a commission of the wise people consisting of 63 individuals who “were representative of different sections of the society.” For the full list see newspapers dated from April 3, 2013. Prime Minister at that time Recep Tayyip Erdoğan presented commission’s goals as follows: „We will both listen to the wise men’s opinions and advice and we’ll consult them, and they will also organize events for the people in the region, they’ll meet opinion leaders. ” See:<http://www.milliyet.com.tr/iste-akil-insanlar-tam-listesi/siyaset/siyasetdetay/03.04.2013/1688872/default.htm> [Retrieved: 1 November 2014].

for help under the pretext of a broken car, but at the same time they had a list in their hands with names of people to be taken and insisted on his father going with them. Together with three other relatives, his father was taken that night and murdered. 15 days later ID cards of his father and other men were delivered by the police station to the families. At the time of these events Nihat Bey was 12 years old but in order to take care of his siblings he had to work: *“entire responsibility for the household was on my shoulders. I have six siblings. I have a mother. Grandpa took me out of school. Although I was quite successful.”* Now he provides for his family as a cattle-dealer, but is also actively involved in an association helping relatives of the disappeared in Kurdistan: *“To tell the Truth, there are such things, history has seen such atrocities that when you listen you forget yourself.”* When we visited Nihat Bey’s father’s grave I could imagine how a grave can console and what relatives of the disappeared, who are deprived of graves, might feel.

We also spoke to Nihat Bey’s father’s aunt’s daughter, **Sinem Hanım**. She talked about events prior to the disappearance:

*Nihat’s father...some time before was hanging around the village. He’d say for example... after 8 in the evening, even if I came to your door, don’t open. Counter-guerrilla forces are at large and commit massacres everywhere...folks are disappeared...For example they could say they’re hevals<sup>333</sup>, that they came from afar, but nobody knew who’s who. Who recognizes hevals?*

She also talked about the forced evacuation of the village that followed disappearances: *“People couldn’t stay any longer. Once they received the bodies, people left. The village got emptied...all the youngsters were gone, only the elderly stayed. Anyway, they also left later.”* Until 2001 the village was abandoned, but now the smoke is rising from some of the chimneys as the elders returned. **Latife Hanım**, a daughter of Nihat Bey’s father’s other aunt joined the conversation: *“everyone migrated, the state was against one village, everyone migrated.”* Both women are in their 40’s, they understand Turkish, but do not speak it. Latife Hanım’s three children joined the PKK along with 20 members of her extended family who lost their lives in the fights.

*We couldn’t recover a single body. In total we couldn’t even get ten bodies. All are unburied, we couldn’t get them...we don’t even know where they are. Even if we knew, the village guards wouldn’t let us go and take them...I swear to God, two months ago we went and recovered some parts, seven of them. We*

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333 *Heval* in Kurdish means friend like a comrade. [Translator’s note]

*recovered bones of seven people. One of them was my child...I swear to God, those bones that we recovered were eighty two, just bones. Just eighty two bones to bury.*

To meet Nihat Bey's mother and uncle we returned in the evening to the city centre. His uncle, **Necmettin Bey**, is 44 years old construction technician and a father of three. When his older brother was murdered he was in the military. He said that "*the village was pro-PKK*" and went on saying: "*my older brother was not a guerrilla fighter. None of the four.*" Towards the end of our conversation, while discussing the Kurdish issue in greater depth, he recounted an event from his youth:

*...we would go to school, we would go in fear...at that time we were in the first grade of high school...in 1991 Kuwait was occupied. People from the Nur sect had a march... then it turned into PKK march. We were having coffee. They took six or seven of us into custody and kept torturing us seven or eight days. At that time, in 1991, it was Special Operations, team as we call it...they would take us in, there was nothing they didn't say to insult us. Wherever they found those beast-like huge men, we saw them, at that time we experienced them for the first time.*

Necmettin Bey's description of the role of special operation teams in Kurdistan corroborates accounts of Aysel Hanım and many other people.

Nihat Bey's mother was not eager to talk, for a long time she questioned our reasons to visit and what we wanted from her. After a while she decided to talk to us. Often she gave short answers or would not answer at all, but in fact she revealed a lot. Regardless of the question and the answer she would give, **Yeter Hanım**, nearly always finished what she said with one and the same sentence: "*they took him away.*" She is in her 50's, does not speak Turkish and has not received education. "*Back then I was young bride and now look what I've become...because my body is falling apart ...it was like a flood. I say to you, it was like a flood, they came and took him away,*" said Yeter Hanım. She wants her son to leave past in the past; she's both hopeless and in fear. She implies that if the state does not want to shed light on those events, nobody ever will. By the end of our conversation, while explaining our incapability to solve this issue, she said: "*you are just like me then.*" On my way out I asked myself: "what have we accomplished except for making her relive that pain?" The right answer was the most pessimistic one, but we had already embarked on that journey and, most importantly, there were people who had agreed to talk to us so the next day we had to be in Van.

**Van: “Gone is gone, nothing matters anymore”**

In Van we first visited Şengül Hanım. Her older brother, a journalist, was shot dead on the street in January 1993. She recounted how her brother, despite threats, would not step back:

*He would tell our mother: ‘Is my blood more valuable than others? I know they will shoot me. But I will never give up. If I don’t do it, who will? Everyone tells their son, ‘look, don’t do this, don’t do that, they’ll shoot you, they’ll kill you.’ If we all step back, who’ll do it? Besides what we do is not a big deal, we just run a newspaper. I mean, printing paper is not a big deal, it’s not illegal.’*

One of Şengül Hanım’s brothers, now doing time, killed “collaborative informer” who served in the murder of her older brother. One of her sisters, who was about to get married, upon her brother’s death went to the mountains i.e. joined the guerrilla. Şengül Hanım is 47, has five daughters and used to work in association founded by families of the arrestees. In 1999 she was arrested herself and in 2001 her high-school-aged daughter was detained at school; taken from headmaster’s office. Both of them suffered from torture while in custody. She talked about uniqueness of her brother and the impact his disappearance had on the family:

*[He] really was like an ocean, a sea, like a mountain. When I say sea, I mean that you could always go to him when in trouble. When I say mountain, I mean that you could always find shelter in him. When I say ocean, I mean he had this strength...like I said, to describe him is to describe the world. After he was gone, we weren’t alive, well, we were living, but...we lived out of spite, acted out of spite, I want to do things he couldn’t, out of spite. It’s like, if you can’t do it, you make your children do it, if they can’t, you make your brother/sister do it. That was the goal for our older brother, I mean our...forget the brother, this is a national struggle, it is, for us. Alright, there’s pain, like I said, this pain is something else...but it [the struggle] doesn’t end, it seriously doesn’t end. Because the pain creates in you this strength, this ambition and you get stronger with time and become more ambitious... we stopped worrying about kids, about making a living, after that day, as a family we stopped...I mean, there’s no worry left in us...you create inside such an ambition, you nurse it and then it comes out and scatters around. It makes you ambitious, conscious, strong and ready in every way.*

**Sinem Hanım** is the wife of murdered journalist. At the time of the murder they had been married for five years and had no children. She talked about

her husband and his murder: “I swear to God, we didn’t have any enemies... he was just a journalist, worked in a newspaper, he was murdered for that...we had no enemies, no nothing. I swear, he was a really good man. Oh, God, he hurt nobody.”

Fifteen days later we met in Istanbul with another brother of Şengül Hanım. Eşref Bey, 45, was forced to come to Istanbul to work as a carpenter after the Van earthquake. He told us about his brother’s funeral:

*The police blocked the way of the funeral convoy, I was at the front, they said: ‘why are you going so slowly? move faster’...anyway the whole cemetery was surrounded by the police, military and special operation teams, a complete blockade. For the crowd not to join, for the folk not to come they did all in their power, in psychological terms they do so [spread fear].*

As his brother was murdered and other brothers and nieces went to join guerrilla and were imprisoned, Eşref Bey talked how their mother and family went through a lot:

*In fact, as a family, we experienced trauma. Everything collapsed in overnight. In one night everything fell apart, I mean nothing was left. We still couldn’t pull ourselves together...when I telling you all this, I say how could I go through all that, how could I bear it, how? What kind of a human am I?...well, it means, I say, apparently we are strong...what was done is atrocity, what we’ve been through is an atrocity. And we did nothing to deserve that...did we commit any crime? Just capture and punish, death is not for that.*

In the second house we visited in Van, we met first with **Edip Bey**. He is 36 years old, married and a father of two children, works for municipality’s cleaning service. Edip Bey’s father was shot on the street in 1996. For a while he was a village guard, actually he was a village guard chief. Later he worked for HADEP.<sup>334</sup> He was arrested a number of times, tortured, and finally murdered, according to Edip Bey, because his uncle “*joined the guerrilla.*” When his father was shot, he was taken to the hospital, but a neighbour who happened to be a nurse told the family that he was not allowed to recover. Edip Bey did not really want to talk, he would give short answers and acted as if he wanted the interview to finish sooner. At the end he said: “*what we’ve been through is called cruelty.*”

Edip Bey’s mother, **Yıldız Hanım**, refers to the past events as “flood.” Accord-

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334 People’s Democracy Party [Translator’s note]

ing to the official records she is 50 years old<sup>335</sup>, but claims to be younger, has got four children. She mentioned - as if by accident, between lines - that her husband “*joined the party*”. Just like her son, she was silent, talked reluctantly and would often repeat: “*He’s been dead for twenty years...twenty years passed, he was murdered, he’s gone now...gone is gone, nothing matters anymore, everything passed by...twenty years passed. My son was young. My son was still breastfed when his father was murdered... Now gone is gone. Time is gone.*”

**Hakkari: “Write it, write it like that”**

The next day we arrived in Hakkari. In the first house we meet with **Adem Bey**, 27 years old Turkish language and literature teacher. He told us: “*When I teach about Divan literature I also give examples from Kurdish literature...in the same period, how the Turks created literature, for example wrote epic stories, narrated tales, the same was true for the Kurds.*” When he teaches *Layla and Majnun* he also teaches *Mem and Zin*.<sup>336</sup> His father’s body was found in January 1996, sometime after he had been detained. Adem Bey’s father took to court the major who gave order to raid their village and demanded assessment of the resulting damage and reparation. Despite major’s threats, he did not withdraw his lawsuit and one day, during a road control, he was detained by the soldiers. Thirty four days later his mutilated body was found inside a civilian vehicle thrown down the mountain’s slope. Since Adem Bey at the time of these events was 9 years old, he does not remember all the details, but like Ekrem Bey, he talked about his father’s legacy:

*...if you are the son of a known man, you have to behave accordingly. Cause in the end, you don’t want to stain your father’s name...you must live up to your father’s name. Like him, we valued people, served them. We did everything in our power so that my father’s name is remembered well. We’ve always worked for that.*

**Züleyha Hanım**, Adem Bey’s mother, went on to describe virtues of her husband immediately after she described what she went through: “*It was an enormous calamity. An enormous agony...he was the head of a big family. A big*

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335 It is not uncommon in Turkey for the actual and official age to be different. For once, in the past many new-borns were not registered on account of insufficient administrative infrastructure and a father would register all younger children upon one visit to the registrar. Other reasons may involve attempts at postponing military service or enabling, especially for women, marriage at a younger age. [Translator’s note]

336 In English: “*Possessed by madness for Layla*”. It is an old popular love story known throughout the Middle East. *Mem and Zin* [*Mem û Zîn*] is a similar love legend by Kurdish poet Ehmedê Xanî. [Translator’s note].

man. A leader...we abandoned our village. Abandoned our house. Abandoned our state. Our village, sheep, state, we left everything...I swear to God, that's how we stayed. I suffered a lot." When she said "we left the state" we realized she meant their land. She is 58 years old, a mother of seven children. "I saw it with my own eyes...I swear to God, they peeled his skin. Write it, write it like that," she said, pointing different places on her face.

On our second day in Hakkari we met **Gülsima Hanım**, who welcomed us with these words: "greetings and respect to all four parts of Kurdistan. And to our President and fighters in the mountains. Welcome. You are most welcome." Her brother, who was detained in October 1995, for being a witness of a murder committed by the soldiers and village guards, was 18 year old at that time. They have not heard from him for twenty years. Though a witness to her brother's murder, a confession and a clue were found, it is too late for her departed parents, who passed away not knowing what had happened to their son. Gülsima Hanım told how her blind mother would shuttle between military and civil institutions asking for her son, for years and years she would go from one village to another, to town, to the city centre and even other cities:

*They told my mother: 'Go to Çanakkale, your son's there.' My mother said: 'I'm an old, crying woman...don't be ashamed before me, be ashamed before God...I don't have strength to go there. What did you do to my son?' She came completely exhausted. There was no city left she hasn't searched, her son was gone... she demanded from us. We put our brother's photo on her chest. Like that we buried her. She told us: 'you'll bring my son to my grave.' She said: 'my son will rest with me, you'll throw soil on me.' Will this wound ever leave our hearts?*

After forced disappearance of her brother, another brother joined the PKK and was killed in the fights. At present her two daughters are guerrilla fighters too. Gülsima Hanım told us how she would look for her brother and what she has been through: "What they didn't do to us! It was cruelty and oppression. They insulted us. Beat us. Burnt a piece of paper and said: 'that's how we burnt your son.'

Towards the end of the conversation, Gülsima Hanım's 13 years old daughter, **Filiz**, entered the room. When she grows up she wants to become a lawyer to "protect everyone's rights. To throw tyrants to prison." On the other hand, however, she said: "there are those kinds of teachers, that when they come I don't want to study anymore." When we asked what kind of teachers she had in mind she told us: "Ordinary ones...for example sometimes such teachers come. For example,

*they only insult us... they say we are fools, morons. For example, there was this one teacher. Turkish teacher. He would tell us: 'when it comes to lessons, you are absent. But if I let you...you'd start throwing stones.' He would insult us like that."* Filiz with pride recounted how with other students they did not allow the school to become police station: *"for example, we made a banner...saying that we don't want an eight year old to be raped...we protested. Finally they gave up on the idea."* She also explained why they prepared such a banner: *"I think, if the soldiers came, that would generally happen. That's what's expected of the soldiers."* She said she had heard that soldiers do those kinds of things.

Gülsima Hanım's brother, İrfan Bey, 37, is a taxi driver and a father of six. He has just been released from prison. When it turned out that one of his clients was travelling to the mountains to join the PKK he was arrested and served two and a half years in prison: *"I didn't commit a crime. I'm a taxi driver. Whoever comes can get into my cab. Be it JITEM or be it PKK. I have no authority over anybody. Can I ask someone 'hey, show me your ID card, tell me, where're you heading?'"* One of his brother's membership in PKK was used as a basis for his arrest. His disappeared brother was also considered to have joined the PKK or sometimes as an awol by the authorities: *"the soldier told me that I'm the brother of a guerrilla, I have two guerrilla brothers, he said. He doesn't talk about the unsolved murder. He says my brother's in the mountains...on the top of that drafting commission keeps bothering us where is my brother. You murdered him, so where is he?"*

Forced disappearances and murders by unknown perpetrators were the sign of the 1990's in Kurdistan under State of Emergency, but they continued until 2000's although less frequent.<sup>337</sup> Case of **Ayşe Hanım's** 43 years old son, who was found dead in August 2005 in Hakkari, demonstrates this continuity. He was working on constructions, mowing grass and known as a "patriot."<sup>338</sup> In the news, however, he was depicted as a "terrorist found dead during a fight." Ayşe Hanım, 70 years old and a mother of seven children was not capable of talking about her son's death. While talking she couldn't help hitting her chest, sobbing and crying. We suggested her to stop, but she insisted to talk and repeated some sentences like in a trans: *"he got a ring," "he went and didn't return," "no one did a single thing for me."* She recounted not only the murder of

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337 See: Truth Justice Memory Centre Database: <http://www.zorlakaybedilenler.org/victims.php> [Retrieved: 2 November 2014].

338 Patriot is the term defining those who do not hesitate to show their sympathy to the PKK or actively support its political activities in villages, towns or cities.

her son and his imprisonment, but also multiple imprisonments of her other children and frequent house raids. She also expressed desire to join her son: *“someone who can forget this pain can also forget God...my wound is deep. My wound is very deep. My wound does not leave my heart...my son had done nothing. He was in the Party. Aren’t all Kurds in the Party?...my son was worth ten people...if you only knew what my son did. Now nothing matters anymore. He’s gone.”*

We also spoke to Ayşe Hanım’s other son, **Kamil Bey**. He is 45 years old electric technician and a father of four children. He told us how the pain was unbearable due to the role “local collaborators” played in the murder of his brother:

*That day was a doomsday, a catastrophe to me. I see that day as a day of judgment...doomsday. A day of treachery... such a thing had never crossed my mind. It was a dark day for me. A day of catastrophe. The day when I felt all the massacres of the world happened to me... I am still living on that day.*

For our last visit in Hakkari we went to see members of a patriotic “militia” family whose relatives were murdered. Before we move to the interviews with the family it is necessary to briefly discuss the topic of “militia.” Dictionaries define the term as “armed groups of people who are formed in order to help the government during war.”<sup>339</sup> Another example of militia in Turkey is *Kuva-yı Milliye* established during War of Independence.<sup>340</sup> PKK militias in Kurdistan do not provide only military protection, but in the cities they also provide shelter, clothing, food and intelligence. In fact, those who provide such support, logistic support are called “unarmed militia.”<sup>341</sup> In a study like this, it may seem inappropriate to give voice to families of the militiamen and to treat them as civilians and to approach their deaths like civilian deaths. On the other hand, in the situation when a significant portion of the society manifested their patriotic identity with work for civil militia, not accepting deaths of militiamen out of the battlefield as civilian deaths is an ideological decision to be rejected in this study. Moreover, the fact that an armed militiaman or even a guerrilla fighter is not killed in the line of fire, but is taken

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339 [http://www.tdk.gov.tr/index.php?option=com\\_gts&arama=gts&guid=TDK.GTS.5460bf4ade10a0.76643062](http://www.tdk.gov.tr/index.php?option=com_gts&arama=gts&guid=TDK.GTS.5460bf4ade10a0.76643062) [ Retrieved: 10 November 2014]

340 “The nation was forced to join the army to protect the region under enemy attack, to protect lives of the friends under attack. That’s what we call *Kuva-yı Milliye*. The whole world agrees.” <http://www.atam.gov.tr/dergi/sayi-24/kuva-yi-milliyeye> [Retrieved: 6 November 2014].

341 See: <http://www.milliyet.com.tr/kacirma-eylemine-milis-grubu-/siyaset-detay/1805009/default.htm> [Retrieved: 6 November 2014].

from the street or house and then their dead body is found does also constitute violation of the right to live as a civilian and it must be stated clearly. Desecration of the body of a killed militiaman or guerrilla or failure to return the body to the family must be brought to agenda as a violation of rights. From this perspective there is a clear need for a comprehensive study, limited only to the families of the guerrillas.

**Sarya Hanım** when she was welcoming us said: *"it's as if you brought my big brother."* In August 1992, when her big brother, member of militia, was murdered she was 10 years old. *"Until now this hasn't happened to us... such an interview hasn't taken place... anyway I don't want it for myself. I say it on behalf of all the mothers... it'll be as if you've made this interview with all the mothers. Please all the mothers,"* she commented on our meeting. Sarya Hanım, a mother of six children, finished high school extramurally, now participates in municipality's programme for women. She recalled the day her brother was murdered as follows: *"it was a dark day. A day of massacre. Doomsday."* She said that due to the pressure of authorities no one came to offer their condolences and summarizes what we have already discussed in regard to collective mourning in two sentences: *"We didn't mourn together. We couldn't mourn."* One of Sarya Hanım's sisters is in the mountains i.e. joined the guerrilla. Prior to her brother's murder their house was raided numerous times and members of her family were also detained a number of times. She told about the time before the murder and the reasons:

*The state would come and search our house. It would tyrannize us in our house. One time they came again... they entered our house in shoes... later the state detained my father many times. I was detained many times as well... they raided the house again. They broke and turned up-side down our stuff. We told them we hadn't done anything. We were detained a lot... because of my brother's memory... they said: 'he aids PKK... carries the wounded.' They said 'he carries the medicines.' For that.*

Soldiers barging into houses in their shoes constitute a common detail. Such humiliating practices turning private space of homes into a public space during raids can be seen as an aspect of state violence resulting in "Kurdish youth turning streets into private space."<sup>342</sup>

Sarya Hanım's nephew, **Yusuf Bey** was two years old at the time when his father was murdered. Now a law student, he does not remember house raids.

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342 Darıcı, 2011.

He was raised by his grandparents since his mother married an uncle and moved to another city. Although he claims not to be interested in politics, he added that he will follow such cases once he becomes a lawyer. In general he gives short answers and we cannot have a longer conversation. Both because of age and health situation, we could not talk for a long time to Yusuf Bey's grandparents; **Hevehan Hanım** and **Mehmet İhsan Bey**. Six months after the interview Mehmet İhsan Bey passed away. Hevehan Hanım could tell us this about condolences:

*...the people brought the body and it was interred. I swear to God, they buried my son. He was already murdered. Torn into pieces. Not even a piece like this was left...they burnt him, set on fire, little was left. They took my son and he was interred. We also went, prepared for condolences in one of the houses. The state came and started mocking us, they had fun. They would come to me and say: 'what's that? A wedding? We killed that Apo of yours.'<sup>343</sup>*

Deceased Mehmet İhsan Bey told us the same day: *"they took him to the battalion and murdered him. They set on fire a plastic bag and put on his wounds. They burnt his entire body...there is nothing left in our lives."* If there was a need to name twenty years of life with this pain it would be "there is nothing left in our lives." When I think of those who stayed behind, how they survived and managed to live day and night, I feel inside overwhelming anger, grief and respect. The fact that they told their pain with tender tames my anger and grief. Stories we heard the next day showed us that staying alive and living a life could be a real miracle indeed.

### **Şırnak: "Will it ever leave my heart?"**

On the New Year's Eve in 1992, armed men who came to **Davut Bey's** house to take his son, opened fire killing his wife and five children; eight days old new-born, four and eight years old children and two children in their twenties. He told about his life after what he called a "massacre": *"I died with them, just God didn't take my soul. I'm dead together with them for years...living with this pain is worse than death."* Davut Bey went on talking and added how he "was visited" during the period of condolences by the officer who gave orders to shoot: *"After the burial...major came. He called me and threatened me. He said: 'I killed your children. If you complain, I'll kill you too.'"*

Davut Bey's older daughter-in-law, **Hediye Hanım**, is a wife of the man want-

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343 Apo: short for Abdullah Öcalan [Translator's note]

ed in the raid. She has three children and is 40 years old. They were married for three years and her husband earlier had been eight years in prison. She told how that night some men came calling themselves “heval” and took her husband outside, but when the family did not let her husband out alone, order to fire was given and the men opened fire:

*That night...what happened that night I don't wish anyone to experience. That night...is there anything more violent than that night? Is there anything more terrifying than that night?...I swear to God, until now me and my daughters stay at home, anxious in the evenings. Wishing no one would come from the outside. There is still fear in my heart. There's still grief in my heart. Will it ever leave my heart?*

I wish it was possible to write about that night's horror precisely as Hediye Hanım talks about it “so they know it is not just a tale.<sup>344</sup>” Leaving the rest of the story to the reader's imagination let's just add these few sentences: “*My hand was stuck in my husband's wounds... find me pain worse than that. There's nothing else left in my hand. What's left in our hands is grief. Our pain remained in our hands.*” What seemed to perhaps hurt Hediye Hanım even more than death of her husband and other members of her family and what she repeated numerous times was: “*a human cannot kill eight days old baby.*” She could make sense of deaths of the adults because of politics, but she could not find any reason for the death of the baby other than its Kurdishness: “*Yes, [my husband] was into politics, [brother-in-law] was into politics. But eight days old baby was what?...Or it was because the baby was a Kurd? A Kurd, really? Eight days old baby. Can you tell if it's a Kurd or a Turk? Can you tell if it's an Arab? Eight days old baby.*”

Davut Bey's younger daughter-in-law, **Azize Hanım** was 18 years old when she lost her husband and she had been married for eight months. Her husband was a student. She talked how she managed to go on with her life, how they until very recently lived in a house where her husband and others were murdered and buried in the garden: “*We suffered a lot. I mean, our cemetery was in front of our doors...we would go out and see it, just like that...*” She told how she would spend a lot of time by her husband's but mostly her mother-in-law's grave: “*She was very devoted to me. She really wanted me to be her bride. So I became her bride. We didn't have each other for long.*” Azize Hanım was forced to marry her brother-in-law. At first she resisted a lot, but with time she ac-

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<sup>344</sup> A verse from Ahmed Arif's poem “33 bullets”: “Godfather I ask you to write it/ as it happened/ So they know it is not just a tale/ These are not rosy breasts/ These are dum dum bullets/ That smashed into my mouth...” Translated by İskender Özen.

cepted new situation: *“Sometimes I would visit my [side of the] family. They would tell me this: ‘it happened, it’s something that can happen to everyone in the world.’ I don’t know, really. I guess, it’s my destiny.”* Undoubtedly what Azize Hanım has been through is not something that can happen just to anyone in the world, but her family must have had in mind similar cases across Kurdistan. One may say that forcing women to marry their deceased husband’s brother victimizes them for the second time. On the other hand, this practice – which is nowadays not seen as often as before – may as well be “well intended” in those years and circumstances. The aim was to protect a woman, who was widowed at a young age and for whom it may be hard to remarry or in case when she cannot stay on her own or return to her family, which was seen as inappropriate. But of course, Azize Hanım is right to say that it had “messed up” her life. That is also, perhaps, why she wanted so much to be asked *“What you’ve been through? What you’ve seen? How did you get here?”* even if she could not give clear answers. She has four children and said that if they wanted to go to the mountains she *“wouldn’t say anything.”* Her husband is a driver and together with his brother working in Iraq, they provide for the whole family.

The second house we visited in Şırnak was hit by mortar shelling in November 1992 and was rebuilt afterwards. Seven people were killed and another seven injured in the shelling. That night, **Ramazan Bey** lost his mother, father, siblings, daughter and niece and nephew. He explained how and why a house in the city centre could be hit by mortar shelling: *“When Kurds demanded their rights, the state started indiscriminately targeting civilians. There’s no other reason...They didn’t see us as citizens. Had they seen us as citizens and humans, this disaster wouldn’t have happened.”* To describe that night and what he has been through since he cannot find words:

*How am I tell this, the dead were dead and the kids who survived were very young. Financially we couldn’t stand on our legs. There were many repressions. They particularly insisted on PKK doing it. To force us make such a statement. They were killing us and at the same time constantly threatening us not to complain.*

Ramazan Bey’s 38 years old brother, **Yusuf Bey** is also a survivor of that night. As a taxi driver, in those times, he tried to transport the wounded with his own car to the hospital, the personnel refused to treat the wounded so he drove them to other provinces, but they could not be saved. At the end of our conversation we talked about the impact of this event on his children and on the future generations: *“I named my children after my big brother, father, moth-*

*er, everyone's names. We just tell them that it was the state, we tell to our children, our grandchildren. We will be telling them until we die."*

**Meryem Hanım**, herself was severely injured, lost that night her seven years old daughter and husband. She spent a month in the hospital, lost sight in one eye and cannot move her left arm. When talking about that night, she was pointing scars on her head, face and hand. She confirmed what Yusuf Bey told about hospital personnel's attitude: *"doctors said I was from the PKK and they refused to treat me. They wouldn't disinfect my wound or even look at them."* When she returned home after one month in the hospital, she did not know for a long time that her husband and daughter were dead:

*I didn't know that my husband was dead. That my daughter was dead...I got home and said: 'my husband is not coming home?' They told me: '[your husband] went to Iraq.' '[your husband] went to Van,' '[your husband] went there.' They hid it from me. You are blind when you lose your beloved. I said: 'give me the keys, I want to smell my husband's clothes, I missed him.' They gave me the keys. I pulled the drawer...it was completely dark, empty...I said: 'my husband is dead and you're not telling me?'... I actually still don't believe it. When I hear a noise I'm thinking it's my husband, back from Iraq.*

**Meryem Hanım** is now 40 years old and her daughter, in a crib that night, and a son wounded on his back and head have grown up. On the one hand she is very grateful, but she also said: *"I got nothing from life...I swear, even if you bring the snow from the highest plateau it won't work [for the pain in my heart]. You know, the pain of losing your house is hard. It tears my heart out."*

**Ahmet Bey**, injured that night, lost his grandmother, grandfather, aunt, uncle, cousins and 10 year-old sister. He talked about life of the survivors without lost family members, about injuries and how that night affected his family:

*How? Our life got paralyzed. Anyway half of them were gone. Survivors, the other half, were anyway just halves, ghosts of their former selves. In our house there's no full human, everyone is crippled. In the body of the youngest there are 10 pieces of steel. My aunt's son's nose collapsed inside. Just a moment ago he was here, you could've seen, but I think he doesn't remember anything, it was a piece of shrapnel.*

The night when the house was shelled, Ahmet Bey was four years old. Since then finished secondary school and now works as a driver. About his four months old son he told us: *"... we'll educate him if God wishes. We already want a lawyer to come from this family. My younger brother, I told you about, has this*

*intention, but we'll see if it happens. If it doesn't, it's God's will. We just one of them to grow [to be a lawyer]."*

There is no trace of that night in the house, nor there are any belongings of the deceased. As a matter of fact, there was some kind of rush in the house brought from wedding at the neighbour's house, and the people we talked to just came from that wedding ceremony. Despite that, when I was leaving this house, I felt as if I was leaving a genocide museum. The story I heard made me remember how me and my relatives were living normally when this catastrophe happened and I hardly believed that it happened so close to us without our notice. As if to cope with my memories and this hardship, I wanted to hear that such a catastrophe happened in another country, in another century. I think I wanted to feel that I did not visit witnesses of such a catastrophe and a house, but rather a museum and a group of people who did not want a catastrophe to be forgotten. Otherwise, the house was too much alive to be a museum and the people carrying faces and traces of the lost ones seemed to be cut from a different cloth. Just as Nichanian said, they are carrying persistent weight of unmourned loss, deprived of understanding of death, though that is the only possibility to mourn such a catastrophe.<sup>345</sup> The bodies of the survivors were still reliving that night or were unable to carry the spirits that were lost that night. It seemed they feared they would not be able to express the horror of that night in the way it deserved. They had, however, power to try to live a good life and carry on political struggle as if, as survivors, they owed that to the ones gone. Perhaps it was not like that at all, and now, when I am at home and trying to describe my feelings when leaving their house, I remember them as such and with them all the witnesses to a catastrophe.

***Mardin: "Neither day is a day nor night is a night for us"***

The next day we were in Mardin and visited **Erdigan Hanim**, 54 years old mother of seven, who since November 1994, which is for twenty years, has not heard from her husband. Her husband was a door-to-door salesman and that November he was taken to have his statement recorded. Erdigan Hanim only knows that some armed men in plain clothes came in and took her husband: *"I went to the security department. I told them what happened. I told them they were plain-clothed. I said that they had guns just like them and the walkie-talkies just like theirs. Some were laughing at me. I don't speak Turkish."*

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<sup>345</sup> Nichanian, 2014, p.23.

Perhaps, what she told us is what she has been telling herself for the past twenty years: *"We don't know, is he dead? Is he alright? How is he? For us the day is not a day and night is not a night."* She shares one room with her 20 years old daughter, a market cashier.

We came to the market where **Zindan Hanım** works and upon her supervisor's permission we went out for a coffee. Her father named her like that, but registrar did not accept it, in her birth certificate her name is different.<sup>346</sup> She, however, likes to use this name. Zindan Hanım completed high school and like her older sisters used to pick hazelnuts in Ordu and Rize when she was a child. While there, she experienced bad treatment due to her Kurdish identity. She does not follow politics and claims to have no opinions on these matters: *"when I think I lose my mind."* She voiced her wish *"to stay on the top of a mountain alone, at least without worrying about anything,"*. We realized that what she wants to escape from is not only the pressure of the state but also of her elder relatives. Just like with her mother, we cannot keep the conversation long with Zindan Hanım.

Afterwards we visited Zindan Hanım's sister **Mizgin Hanım**. She is pregnant with her fourth child and lives with other children and her husband in a newly built housing estate, where he works as a concierge. She is 32 according to her ID. After her father had disappeared she was forced to leave school and worked until marriage: *"In one room, all of us lived in one room until marriage... sometimes we had those breakfasts... pickled peppers and tea...for six years we went to pick hazelnuts. After that job, I worked as a domestic servant. I mean, I had to. After all there was no adult man of the house. No father."* She talked about the absence of a father being different than death of a father:

*They tell me 'your late father.' But I don't know if he's deceased or not. I say Yasin<sup>347</sup>but it doesn't occur to me that I should say it for my father. Is he dead? Or not?...my eyes are on my father... My daughter is eleven now. Sometimes she says 'father' and I'm jealous of my own daughter.*

What Mizgin Hanım said, that she is *"jealous of her daughter,"* pestered me all the way back. I think this is a truth; one of the truths about the agony that cannot be coped with, compensated for, but can only be acknowledged and maybe sensed.

The next house we arrived at is very different from the one we left. It is

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<sup>346</sup> Zindan in Turkish means *dungeon, prison*. [Translator's note]

<sup>347</sup> Surah from the Qur'an [Translator's note]

big, crowded and well-off. **Abdüselam Bey** is the man of the house and he explained why his son, a university student, was targeted and killed on the street in January 1992: “[My son] was a patriotic Kurd. I guess he must have been involved in political activism and that’s why he died a martyr.” Funerary ceremonies of the patriots automatically turn political:

*Crowd came to pay last respects...Early in the morning with a large crowd we took the coffin to the cemetery. We buried him. And then it started. They opened fire at people from a helicopter. They opened fire at the folk from every side...I blacked out at the cemetery. I was brought home. The police raided the house. One of the nephews had a weapon. They took me too. We spent in custody 5-6 days. They tortured us a lot...After his martyrdom the state put a target on us.*

Abdüselam Bey’s wife, Şükriye Hanım said she was more than 50, has eight children. During the interview often interrupted by tears and silence she repeated the same thing over and over again: “My son was very precious.” The crowd that gathered for the funeral gave her a little bit of solace and helped through mourning. “The world came to us. My son was very dear worth. Everyone loved him...We used to say that we all died in the world. The world stopped when my son was murdered,” she said. She was talking about herself, but also thinking of other mothers, who like her lost their young sons: “There are people like me. It tears their heart out. They are like me. If the world is beautiful, it will be good, right?... The grief of losing a child is very hard. Incomparable to anything. The grief of losing a child is very hard.”

**Yasemin Hanım**, just like her mother, often repeats how dear worth her brother was, how fond of her he was. She is 40, a mother of two. She compared her son to her murdered brother: “My son is also very smart, decent, very successful kid. In my own way I think he take the place of my big brother. That’s how I see him. Once you love someone very much, you lose. I have this fear all the time. I won’t survive a thing like that again.” It crosses my mind that if when she gets silent I could too, then when she cries I could too, or I feel as if she was looking at me at telling: “there’s no need to stop yourself from crying.” Or it is just my excuse. When she talked about how she continued her brother’s struggle the way she knew was best for her, her eyes brightened and at the end she said something that gave meaning to our interview and, perhaps, she also wanted to give me some solace:

*...I’m not afraid thanks to my big brother. Perhaps I wouldn’t do such a thing*

*myself, but I don't want to show disrespect to his memory, that's how I think. When someone talks to you, insults you, I hold my ground...if I want or not, I'm part of such family. You love, so you walk that path...now, you are related to this topic, you came to my house. You are welcome. I believe at least your visit gave my brother some peace.*

### **Batman: "There was his footprint"**

In Batman we first went to a house of **Mehdi Bey**, a son of a man who until January 1995, when he was murdered in a shooting on a minibus, was an imam and entrepreneur, and was also involved in works of HADEP. At the time of the shooting, Mehdi Bey was in the military. Prior to his father's murder, their house had been raided numerous times, his 16 years old sister had been beaten and himself, along his brothers, had been detained too. After his father's murder, all members of the family able to work dropped out of schools and moved to Istanbul: "Well, they didn't leave us chance for any sort of life here." Mehdi Bey returned to Batman in 2000. He is now 40, a father of two daughters, and works for municipality. When he talked about the impact his father's murder had on him and his family, just like Ekrem Bey and Nihat Bey, he mentioned father's legacy:

*Of course, also at that time my older brother and me continued his struggle as far as possible, we took up where he left off. We still go on... probably all the time in accordance with his understanding of law, he was an imam at the same time, I mean the path he set for us had broad perspectives. At least his role in keeping such a big family together, without going astray, is important. I strongly believe that. He left us big things. Even though he didn't live to be with us today.*

Mehdi Bey kept on talking about life without a father, but the thing he could not put up with the most, was the way his father was murdered: "they say that who lives by the sword, most probably dies by the sword. If you are member of an armed organization you either shoot or get shot. But if you are a civilian, you don't carry a weapon, your way and method are clear, your manner, things you go through are known. But execution? I cannot accept that."

One floor below Mehdi Bey lives his mother, **Bedriye Hanım**, 60 years old, a mother of eleven. She recounted the day her husband was murdered and the funeral:

*He would come before an hour until day was over. He'd come home before*

*darkness. I was pacing back and forth, worrying why he didn't come, where he was ... So many people were murdered that I was scared... when we got the news everyone got on the minibuses, cars and we went. We went and we found out he was in the hands of the state. They didn't show us [the body]<sup>348</sup>. That evening they didn't show us... The morning came, we went again. They washed it there, gave us. We took him to the cemetery... Buried, went home... People stretched from cemetery to our house. There were also many policemen. They came to watch the people. What the folk is doing, who's crying... They looked at us and saying 'lo and behold!' they were laughing at us... the police cars were parked on both sides of the road between our house and cemetery... We had a horrible life. We've experienced a lot of pain.*

Bedriye Hanım's daughter lives nearby, so upon our invitation she joined us. When her father was murdered **Sabiha Hanım** was 10 years old. She is also one of those sent to Istanbul to work after she had completed primary school. She was 14 when she started work in textile sector. Like her brother, she also believes that their father's values helped them stand strong on their feet: "Since we were his children, we had to carry his values. This thought was always there, and still is. Really, if we hadn't kept to his values, perhaps today we would be in a different place." By "different place" she meant, as she later explained "bad circles." She also told what for her and other sisters growing up without a father meant:

*...when my father passed away, it had a huge impact on us... His character was completely different...He really was a person giving value to women. Always, I mean always and I'll never forget that, he'd say 'my daughters will study. They will be able to defend themselves. They will become so, that they will not let themselves be oppressed.'*

Sabiha Hanım might have wanted to go to the mountains or get actively involved in politics like some of her siblings, but when she got married she returned to Batman and has been taking care of her two children. First years of her marriage were hard on her, but she coped with it again thanks to her father:

*I wouldn't accept marriage in any form. I didn't feel like becoming a housewife, or I didn't feel comfortable. It was something about my conscience... I saw my father in a dream. He told me this: 'Well, my daughter, get along with [your husband]... do good things and good things will happen to you. Never lose communication, never lose contact with your siblings, but also do not suppress*

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348 Added by translator.

*yourself: That's a dream I saw... That dream really did me a heap of good.*

In the second house visited in Batman we spoke to **Raziye Hanım**, 70 years old, a mother of twelve. Her son, a mol maker, in July 1993 left home and ever since he has not been heard from. People who saw him being taken by civilians into a car informed the family. When they got to the police station they found out that he had been detained. For fourteen days Raziye Hanım brought him food and on the fifteenth day she was not allowed to leave the food because her son was no longer there, as she was told:

*My 15 days finished. I went in and saw his clothes were put on the table...They told me that the ones [clothes] on the table were my son's. Food of the 14<sup>th</sup> day was also there. Food for the 15<sup>th</sup> day was in my hands. They told me he wasn't there. Light left my eyes. I wasn't in my right mind...there was his footprint on the road where he was disappeared. I wanted to eat the soil with his footprint. My agony was that unbearable. My children weren't orphaned by their father, but their brother... He was a good brother to them.*

One of Raziye Hanım's sons lives abroad and cannot return to Turkey in fear of political prosecution. As if wanting to prove that disappearance of her son was unjust, like all mothers wanting to give meaning to their children's deaths, she tried to explain uniqueness of her son:

*He did his military service for the state. He didn't get married, didn't start a family. As long as I'm healthy, until I die... even when I die I'll repeat the same thing. Put me in my grave with his photograph in front of my eyes. The pain of losing him is heavier, harder than what I suffered for all my children .He was a good child. He was a precious child.*

A study on forced disappearances informs how relatives of the disappeared in their attempts to find loved ones deeply resent how military or administrative authorities responded to them "with clichés" and with the attitude of "crushing indifference" while "in the middle of this huge circle of death and indifference [they] flounder to express the uniqueness and irreplaceability of their loss<sup>349</sup>"

Raziye Hanım's older son, **Nizamettin Bey** tried to understand and explain why his brother, member of HEP<sup>350</sup>, was disappeared: "I think my brother was disseminating pamphlets. That's what they said. Because of that he was

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349 Göral, Işık ve Kaya, 2013, p. 71 [p. 78 in English].

350 People's Labour Party [Translator's note]

detained. For that they took him and murdered.” Later he went on telling us about himself, state’s repression and what it brought about:

*After my brother was disappeared our relatives and neighbours kept themselves at a distance. The police started to come very often and threaten us. They threatened us so that we wouldn’t look for our brother. They started detaining us regularly. That was the reason why our relatives and neighbours kept their distance. We went through not only repression and fear but also unbelievable loneliness. We were forced to live like that for a long time.*

Towards the evening, before leaving Batman, we went to visit İdris Bey, a father of three, municipality worker. His father, a merchant, farmer and also member of HEP’s leadership, was murdered in front of his house in November 1991. İdris Bey’s mother was also a witness of that day, but did not want to talk. When his father was murdered, İdris Bey was 14. He saw his father’s murderers and remembers their clothes and shoes and claims to be able to identify them today, if he saw them. The clothes he described resemble PKK militants’ uniforms, but İdris Bey is convinced that the murder was perpetrated by JITEM and Hezbollah<sup>351</sup> working in collaboration. According to the statements of informants, those who wore “PKK clothes” and murdered or disappeared people, were in fact, in many cases, counter-guerrilla units acting under orders of official security forces.<sup>352</sup> As the oldest son, İdris Bey, after his father’s murder had to take care of his nine siblings and pregnant mother. To provide for the family he started work on construction sites and at the same time managed to finish high school. When he was drafted to the army, however, his family migrated to Istanbul to find jobs. He stopped his brother from joining the guerrilla, because, as he said he wanted “*an educated person to come from this family*” and to that end he sent his brother to study at university. İdris Bey returned to Batman ten years ago, but some of his siblings are still in Istanbul. Ten days later we met with one of them in Istanbul.

**Nurcan Hanım** is 28 years old. When we met she was pregnant with her second child. She finished primary school and at the age of 15 migrated to Istanbul where until marriage she worked in textile sector. Nurcan Hanım quickly told us about hardships of growing up without a father: “*My father would show us a lot of interest. Lack of father is really... my brother was unborn at*

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351 Hezbollah in Turkey is not affiliated with Hezbollah in Lebanon. It is a radical Islamist organization the state also utilized to fight against the PKK in the 1990s [Translator’s note].

352 For more examples see: Avşar, 2013, p. 174.

*that time. Let me show you our photo. You'll see my mother's suffering, each child... I found this photo a day before. Look, tiny kids..."* like other young women who lost their fathers, Nurcan Hanım with sadness talked about separated family after her father's loss: *"eleven children grew up fatherless. Each one of them is scattered somewhere. It's not an easy thing... If I had a father... Only those who've been through can understand."* Her one and a half years old son did not allow us to talk much, but when he did, Nurcan Hanım did not speak a lot, she preferred silence and short answers: *"They made a fire in our house. There's nothing else...they tore us apart."*

### ***Diyarbakır: "success would mean surviving"***

Our first interview in Diyarbakır was in a building of an NGO with **Mehmet Bey**, 59 years old father of nine. Mehmet Bey's brother working in a bakery was shot dead on the street in April 1994. Himself, as he said: *"because of Kurdistan Workers' Party"* he was arrested in 1982 and spent two years in Diyarbakır prison. Mehmet Bey was forced to work as an informer, but he convinced his brother, who had been arrested before, not to become an informant too and that's why his brother was murdered, according to him:

*My brother was murdered because of me. I didn't leave my brother to be used by the state...In his wife's heart there was a hole...My brother was ill... Doctors didn't find cure... They were saying 'we are going to do this and that for you.' I told him: 'brother, they're going to use you'...During interrogation they ask about someone and when you say you don't know them, they reply: 'you tell us, you know them, and we, that's our word, we'll leave you untouched.'... I told my brother 'quit this job'... They cornered him.. They took advantage of his illness. They took advantage of his wife's disease. They took advantage of their poverty. They wanted to turn him into a snitch.*

After the funeral Mehmet Bey was kept in detention for four days. He talked about events at the cemetery: "Around the cemetery there were 200-300 special operations men... They knew me. His daughter was at the cemetery. Grave was open. Friends and acquaintances prepared it. When her father was lowered to the grave, she threw herself into it. My world collapsed. I took the girl into my arms. She was very young then."

The girl Mehmet Bey talked about was **Ferya Hanım**. We interviewed her at the same NGO. Because she was 6 then, she didn't remember much, but for a long time spoke about what they went through after her father's murder:

*After my father, my mother passed away. In 1995. Then the state took us to a orphanage, because we had neither mother nor father. Since we got the worst blow from the state the family didn't allow that...We had aunt, paternal uncle and maternal uncle... Me and my older brother went with them. My older aunt took care of my younger sister and a brother... My older brother was, well, after my mother and father probably, he couldn't handle it psychologically. He ended up on the streets... then his friends gave him drugs. For two years we didn't hear from him. Then we got the news, he was in Istanbul in Bakırköy.<sup>353</sup> Later he came to Diyarbakır...In the end, two years ago, we placed him in a nursing home.*

Nowadays, Ferya Hanım extramurally studies in secondary school, works in a municipality's nursery and helps her brother studying at university. Just like Nurcan Hanım and Mukaddes Hanım, Ferya Hanım yearns for her siblings besides her father:

*Each one of us stays in a different place. No matter how often we visit and see each other, we haven't lived as a family. We are good and honest with each other, but we never even fought about a silly omelette... despite living separately we haven't for example completely lost communication. We would get hurt when one of us stubbed his/her toe. We're that close, but, I don't know, there's a different feeling when you fight over toys. For example, when I was a child and I saw a kid playing with its mother or father, or passing in front of me, I was longing for...I have one dream, that one day we'll be able to stand on our own feet and live in our own house...Fraternity is an unspeakable thing. I don't know, maybe since we didn't experience motherhood or fatherhood, fraternity became for me something completely different from anything else. For example when he [my brother] calls me and asks for something I'm walking on air. I'm older sister and to be called to help... I mean he needs something, needs help. When I do something I really feel, I don't know, I feel good both as a sister and spiritually.*

When Ferya Hanım was talking about her siblings, she was trembling and so was her voice. It was hard to leave. It seemed as a sad coincidence that we were going to meet two siblings after interviewing her.

Their father, official imam and one of the leaders of a tribe, was shot dead on a street nearby their house in August 1992. **Mehmet Bey** is 43 years old, married and a father of one. One of his uncles joined guerrilla, one was among

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<sup>353</sup> Bakırköy Psychiatric Hospital [Translator's note].

leaders of HEP and his father was the only imam who would wash bodies of guerrillas for the funerary ceremonies:

*Office of mufti<sup>354</sup> asked my father this... 'You'll read sermon for Bosnia-Herzegovina and you'll collect donations.' In that same period, 18 August 1992, there was a massacre in Şırnak. My father told mufti: 'I won't read that sermon. When there is fire in my own house, before I put out fire in my own house, I won't read that.' The day I'm talking about is the day before he was shot.*

Tears welling up in his eyes, Mehmet Bey told us how he found his father's body on the street and covered it. Then he continued:

*Once we took the body from hospital a crowd gathered... there were hodjas,<sup>355</sup> mullahs,<sup>356</sup> MPs... at the same time the state wanted to interfere... The moment we reached Mardinkapı they attacked... They didn't even go easy on the elderly, broke people's heads, eyes. At my father's funeral they detained around two hundred eighty people... they took my uncle. They took my grandmother... Their reason for detentions was, they said, 'you provoke people!' They gathered the people there. 'You will go... you'll mourn in your village. I won't allow you to mourn here. If you want to mourn, go to your village...' Can you imagine that? They don't give you chance to cry. They say that if you want to cry, only in the place they allow you to. If you want to laugh, only where I tell you to.*

They resumed condolences at home, but then their visitors were not left in peace. If the murder is political, the funeral turns political too: *"Without exception, they harassed every single visitor... Under the excuse of 'search' or 'ID check' they harassed a lot... Later, it wasn't even twenty four days since my father's murder, my aunt's son was shot. Single bullet."* Mehmet Bey even spent many years in prison. He told about the sense of fatherlessness that did not fade away:

*Still, look, I'm 43, my eyes are searching for my father. If nothing else, I just want someone to kiss his hand during religious holidays. We, Kurds say, the pillar is, be what you want, you know, they say be a real man, but when there's no pillar behind you it's a separate thing. A different thing. Sometimes I get angry.*

Mehmet Bey had 9 siblings. The youngest, 24 years old **Fatma Hanım** had just finished university when we spoke. She moved back to Diyarbakır and was preparing for public officer's exam. When her father was murdered she was

354 Local senior religious officer [Translator's note].

355 a teacher in a Muslim school [Translator's note].

356 a title of respect for a person who is learned in, teaches, or expounds the sacred law [Translator's note].

just 3 years old so she did not remember a lot. In fact, she explains that she did not have a chance to remember for a long time and then she did not want to think about it:

*I got to my age, but I still try not to push myself around. Because already in that period they didn't give much importance to the fact that we had been through that event... We run from here to there. Things happened and we didn't get the chance to feel the pain. We experienced all this tumult. Well, we lived with that fear. I mean, how we could save those left... To live, really, we say, living... success would mean surviving. For that I'll just say that I didn't really push myself around, I didn't even think. I tried not to think. Few years back I wanted to focus on it. But it touched me a lot. I experienced serious disconnection from life... I chose to look from afar, I mean to look at myself from afar. I mean, I prefer to look at a child me a bit from a far.*

It took her a long time to tell us these, among moments of silence and tears. When they were changing places, they would always face the same things, she tells, again, taking many breaks and she continues:

*For a while we were staying at my cousin's. There was a house raid... He asked me about my father's name. I said I forgot. At that time I was around seven. I forgot. I didn't know my father's name... I didn't forget of course. I said I forgot because I thought something would happen again, that they would hurt us again. 'How could you not know your father's name?' he planted me, that little child, and then grabbed, lifted and took me out of the house. It was a completely dark night.*

When talking about the impact that night had on her life, Fatma Hanim told us also how she tried to cope with all she had been through:

*I would say this: 'What kind of a family are we? Or, rather, what kind of a nation? Do we deserve to be in agony all the time? Do we have to constantly suffer?' As I said, that's the reason why I want to cover some things. I mean, in order to be able to think more freely it seemed that you needed to change the way you think... to leave the psychology of the oppressed... to stand stronger... That night was one of that [historic] moments.*

She referred to something that might have been source of her strength:

*...Unfortunately I didn't get the chance to know my father. But he is always recalled as a great man, when people saw me, they would surely hug me, saying 'You're a child of such a man.' I grew up with a lot of love actually. Well,*

*we did have problems, but I never lacked love. Because of what my father left as his legacy, what my father did... Both my family...we would anyway stick together through thick and thin, both other people's treatment was different [in positive terms].*

The next day we met with three siblings of a militiaman murdered while in custody in April 1994. The oldest is 63 years old **Rabia Hanım**, a mother of eight. Before talking about her brother, she talked about multiple arrests and torture of her father who “*was all the time ill from beatings*” and, according to Rabia Hanım, did not live long because of that. All these events took place in Lice, where their house was also torched. Rabia Hanım’s brother had been wanted by the authorities for a long time and when finally he had been found at his friend’s house he was detained. Six days later his body was found in Lice. Rabia Hanım recounted what happened next: “*We didn’t make our place a funeral home. We didn’t dare. We couldn’t dare at that time...We were crying at home. Father would say ‘don’t make noise. The police will hear, come and take me too.’ That’s how it was back then. It was like raining fire. We were in hell.*”

When trying to explain why her brother was targeted, she began talking about injustice she experienced:

*Why did they murder him? No reason. He was a deserter. They murdered him. He went to military. After 12 days he run away. People say: ‘he was a deserter, that’s why he was murdered.’ I don’t know. People say: ‘Some snitched on them for being a militiaman.’ He was involved in politics. He was murdered because of politics... We went to prosecutor. The prosecutor also asked me. My daughter translated for me. He said: ‘your brother got into a fight, was killed.’ I told him: ‘No, the police detained my brother...took him from home. He was in their hands for six days and then they murdered him.’ He was offended because I said ‘they murdered him.’ So I said: ‘They killed him. The police took him. Soldiers murdered.’ I told him: ‘My brother didn’t commit a crime. He was just a deserter.’ Can a human kill a deserter? Can a human kill a human? He asked: ‘When did you leave your village?’ And my daughter said ‘that year we left.’ He asked: ‘Why did you leave?’ I answered: ‘Planes were dropping bombs on us, torched my house. We took our stuff and came.’ He called my daughter as ‘Black girl.’ My daughter asked: ‘Mom, am I black?’ I told her: ‘No, he said that because he’s bothered by your presence.’*

Rabia Hanım’s 53 years old brother **Hasan Bey**, a father of three, was taken into custody together with his brother that evening, but the next day he was released. He talked about traces of torture on his brother’s body. In fact re-

pression had started before his brother's murder. Hasan Bey talked a lot how his family of twenty people was forced to leave their village after it had been torched, how they moved from a city to a city, what they did to earn a living for such a large family and where they found shelter. When talking about the moment he got the news about his brother's murder, Hasan Bey expressed his feelings by describing his brother's uniqueness:

*My world collapsed. That's what I say. The news came in. I lost my mind. What should I say to you? It was an unforgettable day. He meant the world for us. That hour the world ended. Because he was part of my soul... Because my brother was impeccable. My brother would not hurt a fly. My brother was like sun... in the village everyone said that he was 'sweet like honey.' He was 'as sweet as honey.' Close with the people. He never stole. Didn't kill a man. Never had an eye on other people's livelihood. He was barefooted. They would ask: 'Why don't you get a pair of shoes?' He would answer: 'the money in my pocket is other people's toil, I can't waste it.'*

We talked to the other brother detained that night and released the following day, **Taha Bey**. He also mentioned his intimate relation with his brother:

*I had a brother, but he was more like a friend than a brother. I can see him in front of my eyes all the time. I swear, if I had come with him to this market, when I walk ten centimetres towards that market he comes to my mind. Everyone's brother, son is on their mind. I feel like a tree, my mind does not think of anything. For example from here I'm going to go to the grocery, but might end up in the pharmacy.*

Taha Bey explains why his brother served as militia and that being a militia does not justify the murder of his brother:

*I think my brother didn't kill soldiers. Didn't attack at all, in fact he helped. He was in the logistics unit of the PKK. There were thousands, now everybody do that. Even women, kids. Not just in that village, but in the East, in Kurdistan everyone might turn out to have done the same thing. Because the PKK is not something personal, does not belong to my father. The PKK is the force of armed struggle in Kurdistan. It belongs to everyone... Now if you see me, if you see anyone, those walking in Diyarbakır, holding their heads high, they should be grateful to the PKK. It's thanks to the PKK. There's nothing strange about that.*

We heard similar opinion in Istanbul from Eşref Bey, originally from Van:

*“Kurdish movement is not a structure on its own, after all it comes from the people, their children, I mean it’s my brother, someone else’s brother, someone else’s uncle.”*

The last family we visited escaped to Diyarbakır from the town they lived, right after the hotel their father used to run was set on fire in October 1992. **Hakan Bey** was 14 years old, when he was hiding in that hotel. To hide from the fights around, thirty five people found shelter in the hotel’s basement. After a while the hotel got under military fire and the soldiers entered. They took Hakan Bey’s father aside and murdered him at the same time expelling others from the hotel and torching the building. Later he was asked to identify the body: *“Well, ‘Do you recognize the body?’ ‘No, is there a way to recognize this?’ I said. ‘No,’ he said. I lifted it and I saw a key. I identified him by that key. Then I lost my mind. ‘Prosecutor,’ I said, ‘we can’t identify my father’s body, but I gave him this key.’”* He explained why his father was targeted: *“Well, according to me, we were well-known family in the province. At that time my sister was also a guerrilla, she was in the mountains. This might have been the main reason.”* He told how his sister went to the mountains: *“My sister was, in truth, my father had two wives at home. At that moment...she had her own opinions, thoughts and beliefs.”* When they arrived in Diyarbakır he had to drop out of school and go to work, but after a break he finished high school. In the first period his workplaces and houses were under surveillance. He talked about the impact those events had on him and his family:

*These events had really big impact on me. I would keep away from the community. When I saw someone, when I saw a person I felt I was seeing a dangerous creature. After that event for years I was introverted... Including two mothers, my mother’s and step mother’s and thirteen children’s psychological wellbeing was destroyed, I can say that. They both felt emotional deficiency. Me included. And in material terms we also suffered a lot when we grew up. For years we worked as street vendors. It also led us, me, to feel lowly. I would not see myself as a part of the society. I would see myself excluded. We would feel it beneath us to do that [work]. There’s no shame in this work, but when you come from a particular position to that one you live with a heavy heart.*

**Özkan Bey**, Hakan Bey’s five years younger brother was also in the hotel on that day. He came into the room by the end of our interview with his mother, he helped us ask her questions. We did not schedule separate meeting with him, but after translating his mother’s answers he shared his opinions. We will give place to them in the following chapters.

Özkan Bey's mother, **Nesima Hanım** is a 64 years old mother of seven. One of her sons, after they had moved to Diyarbakır left the city and died in a car accident, burning. One daughter, just like Hakan Bey said, went to the mountains. Nesima Hanım subsequently talks about her daughter's story, relations with her husband and dead son: *"She went to the mountains. It was one month before her father had been killed. But she went because of torture her father had experienced. Her father was tortured a lot. My God rest his soul... Seven years passed from the father, my son was burnt."* She spoke of her daughter's imprisonment and her visits in prisons in Istanbul and other cities. Rather than talking about her husband's death, Nesima Hanım spoke more of the hardship after his murder. At the end of every sentence, just like many mothers we interviewed, she thanks God: *"My daughter's ten years sentence finished too. She said to me: 'Mother, when left prison I looked into the sky...' She returned home, thanks God, now is working with her brother. Many thanks God."*

We met **Nimet Bey**, 46, Nesima Hanım's oldest son in a café he runs with his other siblings. We met in the evening, it was quiet. He talked about how all the members of family worked as street vendors until they started to run a café, how they were always under threat and surveillance. He is a father of three children, finished secondary school, was active in HADEP. He told us about his involvement in politics:

*Of course to be worth them. If they really stood against oppression, and this oppression murdered them, many of our people were murdered by unknown perpetrators, then it is wrong for us to do nothing... In this sense I struggled. I don't have any political identity in a sense of a political party. As a Kurd, I fought as a foot soldier, wherever I saw that something needed to be done I was trying to run there to do something.*

Nimet Bey emphasized that in this period his wife also experienced many hardships and continued political struggle. A detail he added when talking about his father's murder shed light on what his brother might have meant when he mentioned that he had seen people as "dangerous creatures" for a long period of time

*They would regularly come to our hotel. That specialized sergeant [person who murdered his father] came...Brought his mother... Since she was stranger, he brought her, we showed our generosity, our hospitality. They are humans too... How could we know that they would do that to us?*

As we said before, narratives that we referred to in this chapter in order to introduce the people we interviewed mostly composed of the statements made of their own accord. Statements that will complete the portraits we tried to draw here will be presented in the following chapters in which we convey the narratives pertaining to search for justice, concept of forgiveness and feeling of resentment/vexation.

## *Chapter 5*

### **Awaiting Justice: The Address is the State**

Is it possible to talk about justice, search for justice, think about justice, in victims' terms, to believe in justice after twenty years, especially in a situation that the political will and societal demand to come to terms with the past is weak? If it is, what does it mean? How is justice described? What do words, phrases one uses to talk or think about justice mean? What does it mean not to believe in justice? And where do those who do not believe in justice turn to their faces?

Answers to these questions change according to the gravity of the suffering, individual dispositions of the victims and their social positions. In this study we followed a few paths to describe the interviewees' different ways of thinking about justice and quests for justice. We asked whether interviewees applied to the judicial system and what they achieved or whether what they achieved was satisfactory. We tried to understand what kind of demands they have, from whom, or how they define such justice that could possibly satisfy them, alleviate their pain and "relatively" compensate their suffering. We also tried to put forward what kind of post-conflict justice mechanisms, discussions and propositions those demands could correspond to, on the ground that the political will and societal demand to come to terms with the past will eventually become stronger.

#### ***Attempts: Quest for Justice***

From twenty one interviewed families, four did not apply to any judicial body. Two of them lost their relatives in detention and lawsuit was impossible due to lack of evidence or insufficient statements. One of the other two families did not want to go to court because of the village guards and guerrillas in the family. The fourth family did not enter legal way due to lack of economic and social conditions. Those families, who did go to court, did it just very recently on account of threats and pressure they had faced earlier in the past. Their cases or lawsuits could not be followed nor concluded as expected. There is no significant progress, however, with regard to on-going cases since hearings were moved to different cities for defendants' safety or defendants failed to appear in court, or could not "remember" events pertaining to the case.

We must admit that we did not receive clear answers to our questions about

legal process. This is understandable since thirty two interviewees were women, who occupy disadvantaged position in relation to judiciary represented by the state and also male dominated public sphere. The same goes for those, who in that period were very young or did not receive higher education. However, even when those not disadvantaged by sex, age, education level and financial means went to court, they were not properly informed about trials and proceedings thus could not give us detailed information. On the other hand, condition of current justice system is a subject for another discussion. Therefore, it is obvious that most of the interviewees, including those who filed a lawsuit, lost hopes and interest in legal process.

It has already been mentioned in Chapter I that complexity and unavailability of the justice system are main areas of criticism. Moreover, difficulty to access necessary information and documents as well as “incomprehensible” and “unintelligible” language of official documents are among main problems. Application to the court and follow up on any case may seem pointless and too demanding since perpetrators are members of security forces or are granted “immunity” by the security forces or the state. When we asked interviewees to elaborate on their demands as to punishments, sentence reductions or compensations, we encouraged them to answer as if there is a functioning legal system or is going to exist one day in the future. It would be impossible to make this study if we did not believe that such system will exist one day.

***Idea of Retributive Justice: “Punishment is justice,” “If you ask who did it, the state”***

All of the interviewees point to “the state” as responsible for murders of their relatives. This is also obviously true even if the perpetrators were not members of paramilitary formations or security forces. As already discussed in Chapter I, “Right to Truth” section, even if states were not directly involved in crimes against humanity via above mentioned actors, they still bear the responsibility to find and prosecute perpetrators. In case of direct involvement of state personnel in crimes against humanity, the state, in addition to legal responsibility to prosecute perpetrators and compensate victims, has political responsibilities that include public apology and creating memorials to prevent the crimes from reoccurring. On the other hand, from the perspective of criminal law, institutions or groups cannot be prosecuted, only individuals can. Therefore, “the state” cannot be put on trial, it must be personified, so

that crimes must be individualized. As it has already been discussed in Chapter I, “Perpetrators, Those in charge, Bystanders” section, the individualization of crime prevents the rise of hate against community of the perpetrator. In light of this discussion, we tried to get such replies from interviewees that enable us to depict “the state” as they meant it. In other words, we tried to know how they differentiate perpetrators from the ones in charge in terms of crime and punishment and what they think about punishment..

Even when interviewees hold responsible certain groups or individuals, they still believe that “the state” is guilty. When by “the state” they meant high level political and military officials; they gave names of the president, prime minister, commander in chief, justice minister, even MPs and party leaders of that period. Names of President Süleyman Demirel, Prime Minister Tansu Çiller and Commander in Chief Doğan Güreş were often brought up. A large group of the interviewees, most of them women, hold responsible persons they knew, recognized and even saw in person. For interviewees’ safety we will not mention names of such local high level administrators as governor, district governor, mayor or such military officers as chief of police station, commander of the gendarmerie, colonel, major and captain. For the same reasons we will not give names of those who collaborated with high rank military officers in the region, that is, “local collaborators,” “informers,” informants, village guard members and chiefs of village guards occupying the position of local administrator.<sup>357</sup>

Let’s return to the idea that the state is embodied in high rank political and military officials. According to Abdülkerim Bey, whom we interviewed in Muş, the ones that should be prosecuted are high level political and military officials: “*it is not important for us who pulled the trigger, but who gave the orders to pull the trigger.*” In his view:

*Of course perpetrators, those who pull the trigger must be punished. But my father’s case is different from other unsolved murders, because state’s fingerprints are all over his murder... state’s authorized organs made decision, Na-*

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<sup>357</sup> When interviewees mention names of the people in charge we use ellipsis in square brackets: [...] and subject pronouns.

According to an article in *Günlük* newspaper on 6 March 2010, seven defendants, including JITEM unit commander colonel Cemal Temizöz, charged with 52 unsolved murders committed in 1993-1995 in Cizre, Şırnak stood trial. During the trial in 6th Circuit High Criminal Court in Diyarbakır, one of the defendants, a chief of village guards, Kamil Atağ, threatened witnesses and victim’s relatives testifying against him: “My son’s name is Tarih (History – translator’s note). Tarih will write history, nobody shall give testimony so easily.” Atağ was released on 21 December 2012.

*tional Security Council probably had knowledge of it. Prime Minister knew, already at that time we confirmed that she knew, because there were people meeting her. The President had knowledge of it, this murder was different than other unsolved murders, this one was done to intimidate people, in the name of intimidation...Well, then Prime Minister, President, members of National Security Council, if all of them accept their responsibility and are imprisoned, it will have a meaning, but if not the person on duty that day there would've been someone else, so pinning the crime on him and punishing him doesn't change anything for us...soon after if someone comes and says that all these things were just his own initiative, we will not believe that and it will bother us. If that person is punished, serves even a thousand years in prison, we will not get peace, because we know that this person was only a triggerman. Those who made him pull the trigger are different people. Because of that, I mean, according to us, that's the legal aspect of the thing, like I said, justice must reveal what happened. That's the greatest justice.*

In Şırnak, Ramazan Bey, whose house had been hit by mortar shelling, described the responsibility the state took by protecting the criminals:

*The Parliament itself is responsible. Presidency, Ministry of Justice are responsible. All these institutions have knowledge of us. We made our voices heard. Now the state does not protect us, but those who murder us. The ones responsible are state's institutions... If the state itself wasn't guilty, it would punish that guilty institutions. People did it. However, those state institutions which encouraged and protected them are guilty.*

Ramazan Bey believes that justice is manifested through punishment of criminals and that it is one of the things that can ease the pain, but the real healing starts with the elimination of the political inequality that underlies injustice:

*When the people who did it stand before justice and are seriously held accountable and reasons for their actions are removed, when they admit that they killed all those people because of Kurdish demands for rights and freedom, that's when the problem will be solved and our pain alleviated... Punishment of these people is not enough. It's because the reason for these crimes still exists. We will always be the victim. As long as we are not given our rights as a people, our victimhood will continue... I can say this, let justice take them, punish them. Whatever punishment is needed, apply it. However, these punishments will not heal my wounds... Kurdish issue must be solved. We were murdered for that.*

Unlike her brother-in-law, Meryem Hanım, does not believe that anything could ease her pain: *“Even if they establish seven Kurdistans, my pain will not go away.”* At the same time, she wants the guilty ones to be arrested. She also shortly and clearly points who they are: *“We say ‘state gave the orders.’ We say ‘state, take your hands off us.”* Meryem Hanım’s other brother-in-law, Yusuf Bey, also mentions “the state,” but he means more higher level military personnel in the region: *“We don’t know who [gave] the order. But we know that the state shot, that it [came] from the state’s tank...at that time [...] was a commander of the local headquarter... so he gave the order... I think he didn’t pull the trigger, but he gave the order.”* On the other hand he wants perpetrators to be held accountable:

*I’m also plaintiff in the case of the soldiers who shot mortar shells. And against those who made them shoot, I mean the state... Even if they execute them, my pain won’t go away, but let the public know or let everyone know what this man did to all these innocent people... I mean what should be the punishment for someone killing so many people? It must be investigated now. Well, for me, if you ask me, if they say death penalty it won’t be enough for me, but I don’t know what the punishments are. If they give life sentence... if they give life sentence, perhaps I’d say ‘there is law.’*

Yusuf Bey’s nephew, Ahmet Bey adds the role of a local administrator who was also chief of village guards at the same time: *“Well, he was the reason of that event... He could kill whoever he wanted. At that time the state wouldn’t tell him anything... I think soldiers had nothing to do with that. A soldier is the slave of the orders. When is told to fire, he fires. It’s because we also did it. When they said shoot, we shot. Those who give orders are in high rank, I mean.”* He does not establish a connection between justice and punishment of the ones in charge, to be more precise, he is not convinced that there is a justice in the state: *“if they get life sentence, it’s fine... I swear, we don’t expect justice from the state, because there is none, even if you expect, there’s none.”*

Nimet Bey, whom we met in Diyarbakır, points out the mind-set of that period which was represented by that members of the military who killed his father and political and military officials in charge:

*Take commander in chief, take everyone from Çiller’s government. All of them at that time were talking to the press, on TV, that there was slush fund. In the name of war on terror, they made people miserable... The principal guilty are the then political power and the Commander in Chief. They are all connected*

*to each other after all. One professional sergeant can't do this on his own... After all the ones here have superiors. They also don't do this on their own. Those who give them authority, it is the power that gave him this authority. It was Çiller's government.*

He associates the issue of prosecution and punishment of perpetrators with citizenship and confrontation with the past:

*For those who burnt people alive we want life sentence, if you ask for our opinion, we want life sentence. Not death penalty. We are against death penalty, but we want lifelong incarceration as a punishment... now everyone is in a high position. Ministers, prime ministers. If one day they are prosecuted like us, they suffer from pain, perhaps then their conscience will wake up... That's when there will be confrontation. If we talk about confrontation, then come and see, that's what you've done to your people. We didn't come from Russia. We didn't come from a different state. We are citizens of the Republic of Turkey.*

Nimet Bey's brother, Hakan Bey emphasizes the military chain: *"If you ask me what I think now, I'll give you names of those soldiers, of the commanders of that military station. I would complain about everyone to the commander in chief Doğan Güreş. It's because I think they are connected to one another."* Although he believes that it is too late for prosecutions and punishment, he disagrees with his older brother about the punishment:

*At that time, at time when we went to court, when we gave names, what was necessary then should have been done then. Because twenty years after those events, even something happens, you still have this feeling, a heavy heart. You're not at ease, because I'd say: 'those people were supposed to be judged then'... I mean, I'd like those kind of people to be punished by death.*

Their mother Nesima Hanım is contented with naming *"the person who gave the order"* to kill her husband, i.e. high rank local military officer. She believes that the conscripts involved were not the guilty ones, but those who ordered them, in other words, "the state" and she believes that justice lies in life sentence: *"If the state didn't tell them 'kill, burn,' they wouldn't do it... they should not go out [of jail] at all... if they serve time, I'll find peace."*

Taha Bey, whom we interviewed in Diyarbakır, believed that "the state is guilty" and he constantly mentions name of a captain. On the other hand, even if he adds the commander in chief then to the list, he mainly addresses the political power:

*I sued the captain...he sat in front of me, just like you and said: 'you are a terrorist, I'll kill you.' 'I'll kill your father too, I'll destroy your family,' he said...Of course, whoever was the commander in chief then, he was getting orders from him... In my lawsuit I must accuse [the captain]...Do you know what his punishment should be? What I think, suffering like mine... thousands families went through the same... For that he needs such a punishment, that he would not handle it. Anyway it's not in this world... Of course he ought to get life sentence, he'll stay there and in his dreams he'll see all these [murdered] people. They will tell him: 'how did you throw them out of the door? How did you shoot them on the head?' There, at night, every second, every minute such things will come to his mind. Then he'll think and he'll die with those thoughts. This man will go like that...My [brother] did nothing... Why did you do this to him? Why this man committed so many massacres? Why nothing happened about that? ... Why did he do this? The head of the government was Tansu Çiller, that pro-JITEM woman. I say this too: now everyone talks, they are prosecuted, but is Tansu Çiller without a sin? Why there's nothing about this Tansu Çiller on the agenda? In my opinion, I tell you [who] did it, I know [that captain]. But the most guilty one is Tansu Çiller. Who was the prime minister then?*

Taha Bey's older brother, Hasan Bey points to the state as the responsible one, but he believes that the ones who are really guilty are "local collaborators" and demands life sentence for them:

*One of our people informed them where my brother was. How could my enemies know who he was... I don't accept this person. If this person is captured, I don't want them to ever leave prison. Shouldn't leave in a lifetime. It's because they tore apart my brother... This person was not a stranger, was from my village... The state didn't know that my brother was there... The state is responsible...The state, police took my brother...The one who reported my brother... shot the first bullet. It's because if it wasn't for that man, they wouldn't know. He should get the most severe punishment.*

Taha Bey's sister, Rabia Hanım want life sentence both for perpetrators and those in charge. At the same time she does not believe that they will ever be punished:

*Those who killed him are guiltier. Both those who gave orders and those who killed are guilty...Without an order would they kill somebody? The one giving orders must have said 'kill them'... If they are to get punishment, let it be life sentence. For me it was very hard. How many years we've been crying every day? We say 'our brother was murdered.' We ask 'how did they kill him?*

*Handcuffed? With a stick?’ For me it is really hard. If there was a weapon in my brother’s hands, if they had weapons in their hands, if he died like that, it wouldn’t be so hard on me. His hands were empty and he was murdered like that. This is really difficult for me... I want them to be put in a cell... The state is them anyway. Have they ever been punished?*

In Hakkari we talked to Adem Bey, whose father was murdered. He believes that for justice to be done, starting from all of the high rank officials to those who pulled the trigger must be punished by life sentence:

*They, the state I mean, think of it, in Turkey there’s a gang. It’s a gang run completely by high state officials. For example Mehmet Ağar, Tansu Çiller, Süleyman Demirel were there. Only the ones on the top know about the gang... the ones who pull the trigger get orders from above. Because the orders come from the above, those on the top are mainly responsible in my opinion. Those, who got the order, of course did it willingly, because no one can force anybody to do anything... each one of them is guilty. I think no one is innocent... I think justice should be done like this: these criminals should be prosecuted, imprisoned and punished. Only this can be done in this world... what is written in the constitution about these crimes and punishment for them, let them get those sentences... If it was up to me, they deserve death, but since it’s not available, there’s only lifelong incarceration, they should go to prison, that’s how they can be punished. Because think of it, my father is dead, I want the person who killed my father to spend the rest of his life in prison.*

Names of members of local military and administrative authorities are often brought up, especially by women. Sometimes the state is embodied in the people they mention. Adem Bey’s mother, Züleyha Hanım talks about responsibility of the ones who gave order to kill her husband:

*If the person giving orders, hadn’t given the order, he wouldn’t have been murdered...The ones giving orders are guilty, aren’t they? [He] is guilty...the whole battalion was under [his] command... soldiers were under his command. The soldier does nothing until he says so... wasn’t he a major? I swear he was a major... doesn’t a major lead a thousand?... the state was above him. Wasn’t [he] the state? He was the state...*

She believes that the person she talked about can only be punished by death penalty and she has a reason: “I swear, you can’t say kill all of them. Perpetrators, those responsible in charge...In the prison nothing will happen to them. Prison is run by the state.”

İrfan Bey, whom we interviewed in Hakkari, talks about the same major, but also about current government, who does nothing to prosecute those politically responsible and guilty for the past events. He wishes that the perpetrators suffer their entire lives, like he is, but he cannot find a corresponding punishment, he wants captivity on equal terms:

*...there are many who gave orders. There is Deniz Baykal, Tansu Çiller, Mehmet Ağar. Recently a JITEM member was talking. He said that three, four months earlier they had executed those men... They didn't let him talk. They had him disappeared. There is this prime minister for example, who did they execute from Ergenekon? I mean every day some bones are found in Kurdistan... Well, I want them to be punished as my brother was punished. How he was burnt, murdered, shot, that's the justice we want for them... There is no justice. There's no justice in Turkey. If there was justice, in fifteen minutes they should exhume these bones. Doesn't the prime minister know where the bones are? Tayyip Erdoğan knows. What? Deniz Baykal doesn't know, Tansu Çiller doesn't know, Mehmet Ağar doesn't know?... I mean life sentence, as my brother went away this way, they should get life sentence...How to put it? How they left a man like Abdullah Öcalan on İmralı Island, no one can see him. They should be taken like that, a prison should be made and door closed behind them. That's the deal we can make with them.*

That people, who for twenty years have been looking for their relatives' bodies and perpetrators, have demands that we may call "tit for tat" in terms of prosecution and punishment, indicates that they do not see the law as a possibility for real justice and cannot describe the other side differently than an enemy rather than in terms of resentment and desire for vengeance. İrfan Bey's sister's, Gülsima Hanım's statements seem to represent this state of mind: "We brought a suit on behalf of our brother. On behalf of his bones. We say, it's enough. Conscience does not confirm this anymore. Our enemies don't have conscience. Now, soldiers of our enemy are walking over his bones in the battalion." Gülsima Hanım blames for her brother's death village guards, whom she saw, knew personally and who collaborated with and informed the state: "Village guards denied too. If they said that they took him. They'd tell my mother that this and that person was in the battalion. 'We are witnesses.' The state couldn't have him disappeared. They did. But they didn't say anything." Like her brother she talks about the pain that cannot be eased with life imprisonment:

*If we did to them what they did to our brother [there'd justice]... What if they get life sentence? Their mothers will see them behind bars. They'll have the*

*right of free visitation. My mother neither saw him behind bars, nor had the right of free visitation. Until my mother passed away she just said 'oh.' Will this wound ever leave our hearts? All my mother's pains are left for us.*

Davut Bey, interviewed in Şırnak, who lost his wife and children in an armed assault on his house says: *"The state is responsible for what happened. They were doing this because the state wouldn't punish. Major [...] did it on behalf of the state. Major [...] is responsible. He and the military establishment [here] are."* He does not accept impunity of the ones responsible: *"They should spend their lives in prison. How were they left unpunished?... No matter how they are punished now, I won't get peace, but what can I do? My children are gone, is it [punishment] worth anything?"*

Davut Bey's daughter-in-law, Hediye Hanım kept repeating the name of the same major and holds the state responsible for his actions. Her demand for punishment is clear: *"Not just major [...]... There's state's hand. Why state's hand? Major [...] said 'I did it.' Yes, I want them to be punished...They put so much pain into my heart in all these years. They must be punished accordingly."* Davut Bey's other daughter-in-law, Azize Hanım does not utter any name. At first she says that the ones "giving orders" are responsible, but then she adds that perpetrators themselves are her personal addressees: *"I have nothing to do with the one who gave the order. What can I say? He gave order to kill one. They came and killed six. Destroyed a family."* Like her father-in-law, she talks about the pain that cannot be relieved by punishments and answers what might bring peace: *"Whatever punishment they get, my grudge won't end. Even if they get death penalty... Bring them here, let's meet face to face, that's it... Then they can get any punishment."*

In Bitlis, when Nihat Bey, whose father was murdered, refers to "the state" he means JITEM, and after naming all high rank personnel he holds accountable, he adds that prosecuting triggermen is also important. Rather than in the punishment, he is more interested revealing how the crime was committed:

*Now, these four people are triggermen. Why did they decide to do this? At that time Tansu Çiller was shouting on the top of her voice: 'all the Kurdish names are in my pocket.' Be it Süleyman Demirel, be it Tansu Çiller, Doğan Güneş or Mehmet Ağar – they are all the main guilty ones... After prosecuting these four perpetrators, convicting them, everything is revealed as untying a knot... Well, now, life sentence is no remedy for my suffering, it's no remedy for any family. Before that, in fact, what makes you, us, everyone wonder is, I mean*

*in which... Think of a person, someone in front of you, how can you burn them alive? What kind of humanity can take that? They must go in front of society, in front of the country and confess their crimes, what they've done... [what punishment they get] is not really important... Death penalty, life sentence or any sentence, no, I just want them to come to me and explain why they did what they did. I want the answer to my questions that became a mountain inside me, then no matter what they do.*

Nihat Bey's uncle, Necmettin Bey also mentions Tansu Çiller as the person whom he wants to confront one day, but he especially points to JITEM and adds that village guards working for JITEM must be punished. Even if he believed that it will not occur as a right punishment, he thinks that justice can only be restored by punishment. As to punishment, he does not care what it will be:

*How will justice appear? If the Republic of Turkey captures them, puts them in a cell. They are state's personnel. I know they wouldn't sleep on a normal bunk in the prison, like you, like me, like normal citizens. We know they'll be provided with comfort. It's because they are its own personnel. I mean, it will do something [good] to its personnel. Will use the system [in their favour], but we want them to be captured... Whatever you do, whatever the punishment is, it won't take the pain away... It's not important for me how they get punished... Not death penalty. I'm not in favour of taking life given by dear Lord, but they should suffer a bit.*

Though Edip Bey, whom we visited in Van, named JITEM and triggermen, he addresses "the state" in the person of high level local administrators:

*Of course I think that the person who gave orders [is guiltier]... JITEM did it, the state... We want the guilty ones to stand before justice. We want justice to be done... I mean prison... if it was up to me, I'd say life sentence. Of course, I don't know what the state will do... I'd like the perpetrators to be sentenced to life imprisonment. I want a just world like in times of his holiness Omar.*

Justice system Edip Bey envisages is that citizens are not only free but also captive on equal terms, in other words, a system where the state does not protect certain criminals: "Whom we are going complain about, to whom? We shall complain to the state about the state?"

In Batman İdris Bey believes that his father was killed by JITEM and Hezbollah working in collaboration, but when asked about prosecution, he names high

level political figures. In his view, those on the top must be tried first and then the triggermen, the perpetrators and the responsible ones, but for all of them he demands life sentence:

*I want this from justice: in those times Tansu Çiller was the Prime Minister, Abdülkadir Aksu was the minister of internal affairs. And then there was this Mesut Yılmaz. I want them to be brought before court. It's because whatever was done, it was done under their auspices. After all of them are prosecuted, then there's time for Mehmet Ağar and their triggermen. This all can be revealed, but without having them prosecuted nothing will be revealed... I want life sentence for all of them.*

Nurcan Hanım, like her brother İdris Bey, demands life sentence. Instead of blaming the triggermen, she points to the ones giving orders and Hezbollah, who mean for her the state: *"I think Hezbollah is guilty. They did this... Anyway they were state's men. They became one with the state. They acted on states orders. Life sentence is fair."*

In Diyarbakır we interviewed Mehmet Bey, whose father, an imam, was murdered in the middle of the street. He also believes that the state used the perpetrators and puts to the fore the state's mentality: *"Triggermen are always just a screen. I said... if you put a gun in a child's hand and show someone, they'll go and shoot. But I'm talking about the system. One system. My father is not the only one who died because of unknown perpetrator. In this country there are pits with acid... That's the state we're talking about."* On 17 January 2000 when Hüseyin Velioğlu was "apprehended dead", a "hit list" bearing Mehmet Bey's father's name was found. Hüseyin Velioğlu was the leader of Hezbollah-JITEM, or, as its founder, colonel Arif Doğan liked to call it, Hezbol-Contra. Hezbollah members personally responsible for Mehmet Bey's father's murder were convicted and sentenced to life incarceration, but were released ten years later.<sup>358</sup> This release caused indignation among families of persons murdered by released convicts. Words of a wife of one of the victims say it all: *"I'm sad and perturbed. I lost my husband again. For eighteen years I insisted on justice being done. Now killers and my children's father's murderers are walking free waving their hands. Do you call that justice?"*<sup>359</sup> On the other hand, Mehmet Bey talked

358 For more about Hezbollah/Hezbollah-Contra see newspapers from 4 January 2011, e.g.: <http://www.cnnturk.com/2011/turkiye/01/04/hizbullahin.muebbet.saniklarina.tahliye/601834.o/> [Retrieved: 14 November 2014]

359 See: [http://www.ozgur-gundem.com/index.php?haberID=2061&haberBaslik=Abim%20bir%20daha%20katledildi&action=haber\\_detay&module=nuce/](http://www.ozgur-gundem.com/index.php?haberID=2061&haberBaslik=Abim%20bir%20daha%20katledildi&action=haber_detay&module=nuce/) [Retrieved: 14 November 2014]

about a debt he would continue to bring to account, even if those who pulled the trigger were to spend their lives in prison: *"It's not very important if they are punished or not. Believe me, it's not important, but explain the reason of this [murder] to me."*

Mehmet Bey's sister, Fatma Hanım, instead of perpetrators, blames those who gave orders, who mean the state for her: *"Of course it's not just Hezbollah, the whole state... we were victims of its policy implemented here... those in charge are [guilty] for sure. There should be agents, but it must be the state we should badger into giving account."* Her opinions about punishing those in charge resemble a mental oscillation those, who think that justice is more than revenge or exchange, can naturally lapse, as we have already discussed in reference to Derrida in Chapter I:

*I want them to be punished, but we have this, I don't know, so long after the events, people develop this aspect. I mean, though they made you suffer so much, [she hesitates] I don't know at the moment what should the punishment be. I can't unfortunately say, for example that 'I'm furious, so if this and that happened I'll relax.' So long after such events, you develop this soft side of yourself. You have mercy for everybody. But they should get punishment, if we talk of justice. For justice to be done, a punishment is necessary... I don't know, imprisonment, or just harsh living conditions, I don't know. Something like this. I mean punishment is necessary. Well, I know it won't be enough but after all this time punishment is necessary at least in the name of justice.*

In Diyarbakır Ferya Hanım, who was just six when her father was murdered with regard to the ones responsible said *"... They were called Hezbollah, then I learnt that Hezbollah was backed by the state. I learnt about deep state."* She added that she holds responsible for her father's murder those "who gave orders" and as for perpetrators that *"they are just puppets, those people were used."* Similarly to Fatma Hanım, considering both twenty years that have passed and individual and social dimension of the issue, she made an open-hearted assessment of punishment and justice:

*I swear to God, after all this time I don't know. It's a very confusing feeling. For example, when those men are punished, I wonder if they have children. Would they be in the same situation like us?... Rather than death, but imprisonment wouldn't be just another kind of death for those who get life sentence? For example, people curse, I mean when people in my circle curse them, I stop and think, I wonder if they have children. Because I don't want anybody, not even*

*my enemies, to experience what I've been through [she hesitates] what my brother has been through. It's because our lives were destroyed... When I think of that, I can't say anything to those people. I feel confused about. Fall into confusion... They deserve it, but what if they have children, what if they have a family? When those people die, their families will be destroyed, if they go to prison, they'll be destroyed too. I don't know, I think about this in this way and it's a very confusing feeling. I can't explain... If they don't have children they deserve it. Because me, there's nothing worse than being a member of a scattered family. Because what they did was all planned, programmed. There are many people living in the South East, on the Kurdish region, like me. Some people didn't even recover the bodies. Thank heaven, I say thanks sometimes because at least we were able to find my father's body. We didn't wait for that for years. Thinking if he's alive or dead! This state of mind is perhaps many times worse. When I think in every aspect, I don't know much.*

Ferya Hanım's uncle, Mehmet Bey did not talk about this in detail. He often mentioned names of the informants, but ultimately he wants high level officials to tell what they know about that period: *"I want Tansu Çiller to come and talk. Mesut Yılmaz should also come out and speak up, and, I don't know if he's alive or not, Süleyman Demirel should talk."*

Mehdi Bey, whom we interviewed in Batman also takes our attention first to the state behind Hezbollah, which murdered his father:

*Well now, I said just a while ago, in my father's unsolved murder's case a name was mentioned...I don't think like that about the triggerman. This is against the Kurdish movement, or at least the patriotic core, Tansu Çiller used to have a saying for that: 'to dry the sea to catch the fish.' Well, in fact it's about intimidating patriots through unsolved murders or custody or imprisonment. Actually that's in fact a complete system of how to deal with Kurdish movement. At least with the patriotic core. You know, it was not an ordinary problem, I mean not a problem with Hezbollah nor with the personality of an individual... I saw it on TV, they were saying 'Hezbollah is state's treasure.' Seriously that's what it is in brief.*

Due to his disbelief in existing justice system, he thinks there is a need for a new "justice system," one that would be tailored especially to deal with local collaborators:

*I'm serious, state cannot bring this justice. We can at least... For example the tribal mentality...What will the tribe do? They'll investigate and kill the best*

*man of that tribe. Well, if the state says 'look, this man is the murderer, triggerman, the one who did this and because of that we took him and imprisoned.' If the state puts him in a cell, I mean punish him. But I say, at least, if those who operated under Hezbollah's name are given ground in Kurdistan, I don't think justice will ever take root.*

On the other hand, when asked for more details, he explained his suggestion in a different way; he more complained that justice is not exercised through current laws. Indeed, as the conversation progressed, he complained that their quest for justice through law did not conclude as they had expected:

*Not the killing. I want them to face the law I believe in, law that my party believes in. For me now I have no expectation from the system, from the law... I mean, in the law I talked about, law of my party, there's no execution... Well, perhaps if during education, or I don't know, with time this person can change after being through some things, and will realize that he is really a Kurd, that he pulled the trigger against his own people. And I don't think the state will prepare the ground for that... All right, we experienced financial, economic collapse, but our struggle is about the law. Now, during our case, I myself went to our lawyer. Altogether, not alone, all members of the family objected and we were told that there was nothing else to do in legal terms, that's how they convinced us...Me, Mehdi, a family member, I do not see this as an economic thing, I don't see something like that. The law is very important and all these, this atrocity, oppression must be officially recorded.*

In Mehdi Bey's mother, Bedriye Hanım's view, collaboration between the state and Hezbollah is clear and reckless. As for justice for her it is life sentence:

*State did it. State and Hezbollah... they are backed by the state. Who can kill others' cat like that on their own? Without state's support I can't go and kill even your cat...State would make a list, 'Go, kill, this and that' list. It would give them money too...It wasn't for free... Those who pulled triggers were from Hezbollah... State is guilty. State mustn't give anything to Hezbollah! Why state supported Hezbollah? Why Hezbollah kills men?... state knows who Hezbollah murdered...They have all the evidence...They get them and release in less than two years... For example if it was my son, anyone, threw a stone, he'd serve ten years in prison... Oh, God, they must get severe punishment. Let them stay in jail.*

Bedriye Hanım's daughter, Sabiha Hanım explained state's role in the murders and responsibility for justice in a less direct way:

*Well, they said they arrested the murderer, but he stayed in custody for three days. He even confessed to killing few men. The man was let free. In this case I think like that: of course I want him punished. Of course I want justice to be served, but if the system, the state continues acting like that there'll be no justice. I really want justice to come to this country... I mean I want everyone to get justice...as a matter of fact, the one who did it and have others do it is deep state. We all know this.*

While she affirmed that high rank officials responsible for the crimes should serve life sentence, she also talked about social and economic conditions that facilitated local collaboration:

*Just like innocent people spend years in prison I want them too... Life sentence, lifelong I mean. What do you call men like that, they lost their humanity in the end...not death penalty, what's the right punishment, it should be administered... and, well, I can't say let's torture them. I can't say it, cause this man didn't do it, the deep state did...Those people who governed them, those people I want to be punished, to be prosecuted. People, folk, in fact a bit, most of our folk is, in fact blind. Sometimes they see things, but they overlook or people can do anything for money.*

Sabiha Hanım seems to define justice beyond punishment, as an opportunity for a more comprehensive individual and collective inquiry into origins of injustice and the system that breeds perpetrators. This approach bears resemblance with restorative justice approach discussed in Chapter I:

*Of course [imprisonment] will have an impact. Perhaps they'll feel bad, regret what they've done, but I really want them to confess their wrongdoings. If I see they regret, if I see they sincerely regret, perhaps I feel something different. It's not just our loss. In that period how many people were killed, martyred each day. We, as kids in those times, saw blood on the ground. People were killed before our eyes. Nothing, psychological state in those times, well, it has to be accounted for... if really, true justice comes, then those will be judged. By judgement, like I said, I do not mean they are put behind bars or killed or given life sentence. I mean that man really sits there and you interrogate him in psychological terms, what he thought, why he did it. You'll understand if he regrets or not. If this person regrets it will be clearly understandable. If justice comes, like I said earlier, the mighty ones, deep state, when they are disclosed, people unseal their lips.*

Abdüselam Bey, whom we met in Mardin believes that imprisonment is too

good for those who murdered his son. He expressed his reaction to the protection of perpetrators by the state:

*... we hold Hezbollah accountable... First and foremost we hold accountable the state, those who operated together with the state, collaborated with the state, who served the state... This, what happened is not after our own hearts. This is not fair, this hurt us... In a day they [...] made 10-12 people martyrs. They would be taken [into the custody], served tea and were released... They are the triggermen of a cruel state. The state would always protect them. Still protects them... No punishment will be enough for them. Prison underwhelms them too. They deserve to be hanged, death penalty.*

Abdüselam Bey's wife, Şükriye Hanım did not name any person or organization but she points to the state, thinking of those giving orders; however she does have a different take than her husband on the matter of responsibility and punishment:

*People who killed my son are like animals with bloody eyes and mouths. But those who sent them, those who sent them are guilty... As long as they're alive they must be in prison... Killing saddens us. Keep them in detention. Killing is painful, killing is difficult. If they're in prison, their mothers will see them, their families will see them, their families will again breathe [a sigh of relief]. Killing is very hard... But make [their families] know, suffer.*

Abdüselam Bey's daughter, Yasemin Hanım talked about money local collaborators took to kill her brother:

*[The guilty] is the one who pulled the trigger. Now, if you tell me, look there's also this, you force and threaten me saying 'if you don't do this I'll kill you, I'll shoot you.' To do something out of fear is one thing but to do something for money is another thing... 'Go, shoot this and that,' but if you don't want to, you won't. Were you doing it for money, you're guilty... Of course [those giving orders] are also guilty, aren't they? Both of them, but the one obeying is more guilty than others.*

At first, like father she wanted death penalty, she even wanted to do it with her own hands: "If you ask me, if it was me, I'd do nothing, no court case, no nothing, I'd go and shoot." After a while we realized that she said that because she does not believe that the current state or government will prosecute and punish perpetrators, in other words, she does not believe in the current justice system. If there was a functioning legal system, i.e. in case that perpetrators are tried, she says she'd change her view: "He shall serve lifetime in

*prison. Do not let him die. He shall be imprisoned for life... Does not he deserve?"* What she brings forward to justify lifelong imprisonment is as reasonable as why she changes her mind about the sentence: "...[he] regrets. 'Why did I do this? Why did I act on someone else's orders?' Or he will have pity for that man: 'I killed a young boy.'"

Sinem Hanım, whom we interviewed in Van and whose husband was murdered, first she thought that the high rank officials were guiltier, but later she included perpetrators. She has no special demand as to the form of punishment: "Of course those giving orders used them, made them kill...They are guiltier, they used people. They are accomplices in fact, each one of them is guilty... Punishment is justice, give them any punishment. Either imprisonment or whatever they decide."

Sinem Hanım's husband's sister, Şengül Hanım, is more precise. As the main offenders she sees the ones giving orders and she mentioned by name members of local authorities she holds responsible and demands to be penalized:

*Well, those who gave orders are the guilty ones. You go, catch a man or two and tell them: 'go and shoot this one'... In Hayri Kozakçioğlu period, all, those unsolved murders, all are connected... It is the state, I mean, it is the state. Who else is doing? It's the state who put us through this, who did this.*

She believes that both perpetrators and those giving orders deserve life sentence and also points to the state, taking our attention to the continuity of murders:

*They should never go out. Cause they [victims] did nothing. For years they have killed so many people. What was their crime? People sixty years old, twenty years old, thirty years old, forty years old, yes, there are so many unsolved murders. In reality these are not unsolved murders. It's just a name, 'unsolved murder.' Names of all the perpetrators are known. Out in the open. Which perpetrator is unknown? Until yesterday [...] who killed people was unknown? Are perpetrators in Roboski massacre unknown? All the perpetrators are out in the open. If you ask who did it, it's the state. It's something you can see with your eyes. There's nothing to deny.*

One of Şengül Hanım's brothers killed a man collaborated with their brother's killers. He is serving aggravated life sentence. Though she said that if her brother had not killed the informer, she would have, thanks to the political struggle we will mention in the next chapter, she says she thinks differently today. However, she believes her brother was right to kill Kurdish informer:

*No, now, I don't kill. Seriously I don't, I mean I cannot. At that time it was forty days, not even forty. It was fresh, we hadn't yet joined the struggle. Those times and today are very different... We didn't think so broadly then. It was like tribal feud then, he killed one of ours, I killed one of theirs, I felt better. That's what it was. Thinking broadly, national struggle, there was no such thing... People's ways of thinking change...I think he deserved it... It was fair. It's because [informer] was not the state. At least not the police, he was a Kurd... betraying your own people is a different thing... You are my brother. You've been through the same things as me. From this perspective he deserved what he got... He had blood of many people, thousands, on his hands. He lived off of blood money...When you're a soldier, you have to, there's duty. To do this is one thing, but killing my brother for money, that's another thing.*

Şengül Hanım's brother Eşref Bey explains that the killing of the informer was the result of their doubts about justice being served by the authorities:

*There's this thing, they say 'where there's no justice, people will exercise their own justice.' You are so helpless, so much, because you live in such a society. Let's say you're in a metropolis, then it's not a big deal for you...Well it's also not the blood feud, but you took a blow. You took a blow and you feel humiliated. Well, perhaps in a colloquial manner, but what we call social pressure, is in fact here, it's real...You can't do anything with your family, perhaps you're ashamed when you look at their faces. When you look at the face of your brother's wife, you're ashamed... there was such a state of mind...Now your head is up, like in this common saying, that you hold your head high. Cause you got the revenge. It's such a thing, now killing this man, just this man...creates a different relief in the community, you send everyone a message. Because your opponent is not just an individual, you gave a message to the state at the same time...because regarding future justice you have doubts. Once you have doubts, you are forced to administer your own justice...Despite names being given, not even a single guard has been arrested. That's the situation. That's why your trust in justice is shaken.*

On the other hand he does not think that the perpetrators should get death penalty. He believes that high rank officials should be brought before the International Criminal Court for "crimes against humanity:"

*Of course we are not in favour of deaths, let's underline it first. Perhaps tomorrow some will step up and confess what they did, how they did. It will satisfy us. That's not the problem. The problem is those behind him. The power that made him do...Now of course there are many examples around the world. Like*

*what was done to the Jews, where those were tried, there are international courts of justice. They were established for those. For the crimes committed in Bosnia-Herzegovina... because you're charged with annihilating a nation. You came up with such an idea. With the 1980 coup such a thing was prepared. With one or two people getting punished, our conscience was cleared, but the others? Because, you know it's not just one person, there are 17,500 unsolved murders...In fact, it's not very binding there, serving time, going to prison, but it would reveal something. It would reveal this crime. For the world to see...Actually for us it is the vital point...They, in the Hague in the International Court of Justice punish according to their views. It's a different issue, but you give it to the public, like an award. You satisfy the society...Now it's, it's a human emotion, I mean you want them dead in any case. It's in fact a subconscious thing, but when you look sociologically, bringing them up there and prosecuting, even confession is enough. It's because this will prevent others from doing the same. Whoever does it will see that they will certainly one day come before that court, that judge, that society, the world.*

As to Kamil Bey, whom we interviewed in Hakkari, for the murder of his brother, he accuses especially the informants, informers and village guards, to such an extent that he does not mention any official institution or authority and what is more, in his view, the most powerful representatives of the state in the region are "local collaborators:"

*Local collaborators are responsible for executions of the patriots... Nobody can take someone from their house. Only the one you trusted, called a friend, cheats, takes you away...I don't know which dark forces those collaborators are part of... But I know this, those local collaborators delivered [my brother] to those dark forces, executioners. They took [my brother] and executed. They did it for money...I know this well. The political power did it. Whom was the political power connected to? The state. And the state is connected to the deep state. Whomever the deep state is connected to. Tribal chiefs, sheikhs are behind those dark powers...*

The only thing Kamil Bey wants is not to live among local collaborators and that is how he sees justice served:

*If one says 'I'm a human,' one must act like one. I mustn't kill animals. I mustn't destroy nature. I mustn't also kill a snake. It also has a right to live. God said: 'I gave this life, I'll take it, you mustn't.' You shall not kill these people [local collaborators]. Line them up. Everyone should come and spit in their face. They shouldn't enter the society. With the power of the state or the movement, who-*

*sever power, these people mustn't enter the society. For a clean society they must be disgraced. Like a virus, they mustn't go among the people. I'm saying this as a person from a family that has a martyr brother. People who betrayed their own, whoever it is, a village guard or an agent, they should be banished. I don't say kill them. They should not be seen in the society, among the folk. Banish them to a coal pit, island, cave. Put in some place. So they don't come into the society...I say they must be exposed. Far or close, people should not have relations with these dark forces. They must be taken out. Exposed. Everyone must be held accountable so that justice can be served.*

He no longer relies on the state with regard to finding, prosecuting and punishing perpetrators and those responsible in charge. This is not to say that he does not hold responsible high rank officials for his brother's murder, but he does not expect the state to take action nor he considers himself to be a citizen:

*I want nothing from the state. As far as state is concerned my hope's gone... I have no expectation from the state... The state puts guns in those people's hands to kill... The state shall not put guns in its people's hands. Dark forces shall not kill citizens. I believe that one day Turkish state will be prosecuted. For all killed people, they say 'he was in the mountains.' What's written in the ID? Turkish citizen, it's written Turkish citizen. Think of a kind of state that executes its own people, its own citizens. I believe that one day Tayyip Erdoğan will be brought to account before justice. I believe that dark forces will be brought to account.*

Kamil Bey's mother, Ayşe Hanım only repeated "We didn't have any enemies. The state did it." She asked us how and what she can expect something from the state: "Who will do anything? The state did it."

In Hakkari we also met Sarya Hanım, who, like Kamil Bey, wants to remind that her murdered brother was a citizen of the state: "I want the state to come forward and say 'we did this...to this citizen.' I want them to suffer a pang of conscience. I want one to step forward and say it, for example the state to come forward and say it. That in the end he was also citizen of the Republic of Turkey..." She does not make a distinction between perpetrators and those responsible in charge, but she does make a different one in relation to her views on citizenship: "Both of them are guilty. The one giving the order and the perpetrator...The only punishment is that their mothers shall suffer so that they know what it is like. It's enough that Kurdish mothers suffered... They shall suffer too... They [murderers] shall be killed too. They shall commit suicide. Let them do whatever to themselves."

In fact, while pointing out political sources of injustice, she also implies that justice can be served in a different way than exchange: *"If there's no solution, I want revenge."*

Sarya Hanım's nephew, Yusuf Bey, a law student, addresses the high level political authorities in charge, reminding that their loss is the one that no punishment can compensate for:

*...After twenty four years there's compensation. I'll say a cliché: if it doesn't happen again, we'll be happy. So it doesn't happen to anyone. You cannot compensate for death... My problem is with the state, not with them [perpetrators]... Those who were on the top of the state [must be punished]...If you asked me when I was adolescent I'd ask for tit for tat, but now I say imprisonment. We are not to kill anybody... Of course I'd like life sentence. It's not just for my father. For many people they did the same. What would comfort me is to see Süleyman Demirel and others in power then, being punished...Does it compensate for? No. There's no such compensation.*

In Batman we met Nizamettin Bey, who lost his brother while in custody. His main demand is to get an answer about his brothers' fate. Even if he does not believe that the state will prosecute the perpetrators, he demands a punishment for "the state," which he considers responsible:

*The state is responsible for what happened...The state itself is responsible for waging this war...The issue here is not to find the murderer. The murderer is already known, it's the state. It's the state that had them murdered. It's the state that protects murderers...I don't believe they [perpetrators] will be punished. Of course they must be punished in the most severe way. They must get life sentence.*

For Raziya Hanım, Nizamettin Bey's mother, the demand for justice and the description of those responsible for the disappearance of her son amount to the same thing: "He fell into state's hands. I had no problems with anybody, nothing. Just the state. He fell into state's hands. The state did this to us...What can I ask from the state? I just want the bones."

Also for Mizgin Hanım, whom we spoke to in Mardin, justice means finding her father, who has been unheard from for twenty years:

*I'd like to have my father...I only want my father. Dead or alive. What may I want from the state!... Arrest them, put in a cell. Perhaps they have now children. I'm sorry for those children. If their children were in my shoes, if*

*they were me, they'd see, I mean they'd suffer this pain...I can't be as brutal as them... Whatever happens, we want our father or his one bone...I don't care [if they get punished]...I'm thinking about my father... Their punishment is up to the law.*

Mizgin Hanım's sister, Zindan Hanım, also says she only wants her father back, but she thinks differently than her sister, since in her view the punishment of the ones responsible for her father's disappearance is death penalty: *"I just want my father to be found. Nothing more...I want the murderers to be found and my father's body, dead or alive, I want that a lot...I [want them] to be done the same things that were done to my father... [to be killed], yes."*

In Muş Cemile Hanım is in a similar situation, i.e. she has not heard from her husband for twenty one years: *"I want them to experience the same things they did...Now, today, someone is throwing me in the fire and I'm burning. No one has a right to do that. One can only get even with those who did that. If it's possible, punishment is good."* Cemile Hanım gives the name of that person whom she wants to be punished. It is a captain, whom she knows, recognizes and who had arrested and threatened her husband before.

Her daughter, Mukaddes Hanım does not give any name, but considers perpetrators as the guilty ones:

*In fact everyone is guilty here, but okay, regardless of the order you took, conscience just doesn't allow to burn people alive, to take my father away... I mean, okay, even if they are not those who gave orders, how they [perpetrators] could be so cold hearted At that moment, I'm really thinking how those people felt while others were burning there, I'm very curious.*

Mukaddes Hanım reminds us of the points already discussed in the context of Arendt's views in Chapter I, Section "Perpetrators, Those in Charge, Bystanders". In Arendt's perspective, "obeying the orders" does not free perpetrators from responsibility, to the contrary, they must be considered as giving consent, confirming and supporting the ideological arguments providing basis for the orders. On the other hand, those who see as guilty those who pulled the trigger themselves and obeyed the orders rather than high rank military officers who gave the orders, are more concerned with the "human quality" of the perpetrators than those who see high rank military and administrative officers as guilty. They are as if more preoccupied with the question of "why?" concerning the moral comprehension than the ones related with the legal sphere such as "How? By which means? Under what circumstances?" That is

probably the main reason why victims, survivors, witnesses want to ask perpetrators “why?”, but it will be discussed at length in the following chapter. Perhaps for the same reason, Mukaddes Hanım finds consolation in having the grave of her father, whom she believes is not alive anymore, rather than in punishing the perpetrators, whom she supposes to have lost their human quality long time ago:

*As for me, I won't say 'yeah' no matter how they are punished... It's because, think of it, life sentence will not bring my father back. Even if they are killed, he won't be back. I mean whatever they do, they can't ease one's pain...Of course one wants them to be punished. They must be punished for their crimes, but I'm telling you, whatever penalty they get, our hearts are broken... Just want my father to be found. When I go to the cemetery, I just want to have his grave there. Just this. There's nothing else. Just that can ease [pain].*

Ekrem Bey, her brother, puts the same demand before the one concerning the prosecution and punishment of the perpetrators – maybe just because he thinks these will never happen:

*What I and my family want the most, I'm sure of it, is that my father has at least a grave. If there was just one bone, anything, father would get a grave, at least we would know where he is... No one can imagine that the state would accept it or that it would capture or punish him [the captain then] who was under its auspices.*

On the other hand, his demand for justice goes beyond punishment as he wants those responsible for his suffering to understand and recognize his pain:

*If you say 'this is your father's killer, take him, kill, slaughter,' it's my personal idea, perhaps you do it, but you also, at some point, will turn and look at his family and see your own situation and you'll stop there... He shall put me into his son's shoes and ask his children, as my father was killed by himself, so in the eyes of his sons, when he goes home, he shall ask his children, what would you do? Let his children, instead of me, decide on his punishment... I want him to go home from the court and say '... I did this and that to them. They had children. Let's say that now a terrorist took me and killed and you are left in misery. You looked for me, couldn't find and the state found them, you faced them and what punishment would you give to them?' I will definitely consent to his child's answer. I'm ready to approve the punishment his child gives him.*

While talking about the impact that the prosecution and punishment of perpetrators and those in charge have on him personally, his family and the

Kurds, he also explains why after twenty years it is so difficult to build a direct relation between justice and punishment: *“Though you had no enemies, you made yourselves millions. Since your father’s killer went unidentified, you were presented millions of killers. Different parts of the society were accused of that, it was attributed to different groups. It occupies large part of our lives, our psychological condition.”* These sentences correspond to a discussion from Chapter I about collective guilt/collective responsibility. We have already discussed how collective responsibility turns into collective guilt when the crimes are not accepted, perpetrators not punished, victims’ needs not met and rights ignored.

In Muş we spoke to Aysel Hanım. The captain she knows by name and charges with burning her family has been released by the court pending trial.<sup>360</sup> She says that during the trial her pain reappeared but at the same time she calmed down. She believes that as long as the state does not cleanse itself of these crimes it will not be credible:

*Since that hearing, for two months, again I can’t sleep...Before the trial it was a bit [better], but when I went there and saw them, I was shocked...In fact I want him a lot to be punished. I mean if they gave him to me and asked ‘what would you do?’ If I hurt him with my own teeth my soul won’t heal. I don’t heal, but I want the judge to punish him, I want that, I mean I want the state to do this. At first I didn’t know who he was. But I knew that too...I want a life sentence. Anyway if they do that it won’t ease the pain, but at least for the state I’ll say ‘but it did it.’ But if it doesn’t happen I’ll be wronged. I want them to be punished. If they take him, perhaps I’ll get some sleep...I don’t know if my pain is going away, but I can’t stop thinking that for twenty years they lived freely. I’m saying that they did it and now they live as if nothing happened. I feel this pain, my family and my husband even feel it. Why my children? If I’m unhappy so are they... They did really horrible things. I mean, I want the state to see that. I want the state to see these bad people. As a matter of fact they’re part of the state, they’re dressed as the state, but are bad, very bad... Would I say that I trust [the state]? No. The state did it, he was a soldier. If you don’t trust, I mean we live here, well, I don’t know, how you can’t trust, our children also do the military service. Always with that thought, I don’t want my children to hate, that’s why, always for my children...I want them to be punished. Perhaps when they go to the prison, they’ll think ‘why did we do it?’ I want them to remember that night. One captain came to the court and said ‘I don’t remember.’*

Aysel Hanım’s words lead us to think over the concepts discussed in Chapter

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<sup>360</sup>The case is heard in the West of Turkey due to concerns about „defendant’s safety.”

II, where we investigated relation between remembering and thinking. When the perpetrator, just like while committing the crime, avoids thinking and so remembering during the trial, we rightly think that he is reluctant to leave that position he occupied while committing that crime and to use his faculty of judgment to distinguish right from wrong. And, like Aysel Hanım, we indeed expect the perpetrator to think, remember, accept the guilt, suffer pain and regret. We want life not to continue for “them,” they also shall not be able to sleep, and so they shall think, they shall not sleep so that they think, they shall think so they can’t sleep. We also said in Chapter II that Améry’s resentment that we may call vexation, developed as a reaction to such treatment of genocide as if it did not happen or as if it had been faced. Unlike normal people turning towards future, Améry acknowledges that those who have resentment/vexation, like him, always want to turn towards past, want time to turn back, to bring back what could not be brought back. Societal oblivion prevents survivors and victims from living “in the same time” with the others. In this situation, a well-functioning retributive justice denying perpetrators’ freedoms and rights must mitigate victims’ seemingly legitimate desire of vengeance and feeling of resentment.

On the other hand, though Yıldız Hanım, whom we interviewed in Van says *“Those who said ‘go, kill him’ are guilty, they are guilty...must go to prison. Punishment is compulsory for murderers,”* she believes that it is too late to ask those questions and look for answers: *“If had been revealed in those days, everything would’ve been done. Everyone would’ve made a statement in his favour. Today, however, twenty years have passed. Starting trials now, fighting again, it all means they’ll serve ten years. Gone is gone. He’s gone already...is dead twenty years...Gone is gone, if they serve ten years, what will that do?”* Taking into consideration her other statements, it is possible to think that she talks like this because she still feels frightened: *“No, I swear. Such a thing not to be exposed... Along with the unrest, trouble... I just don’t want anything to happen. I don’t want my children to get into trouble, have troubles. We are in our home, they are in theirs. What is gone is already gone. It passed by.”*

### **Challenges: Impunity, Plea-Bargain, Material Reparation**

Since the existing legal system in Turkey malfunctions, it makes difficult to associate understanding of justice with modern criminal law. On the other hand, as already discussed in Chapter II, crimes described by Arendt as “radical evil” cannot be punished in this world, but can only “be addressed on the Day of Judgment, therefore even ideal legal system will be insufficient for

heinous crimes. However, what makes it possible to live in this world, “among people,” “together” must be thinking what can still be done to protect, keep alive or restore a sense of justice. Indeed, many people we interviewed believe that perpetrators and the ones responsible must be punished by life sentence although they find punishment insufficient in comparison with the injustice and suffering they experienced. As a matter of fact, they find insufficient a punishment that is not accompanied by truth telling, apology, solution of the Kurdish issue and peace. Out of thirty one people whom we could ask such a question, only four interviewees accepted our suggestion of a possibility for impunity or plea-bargain. It shows that a majority of them finds punitive actions important and meaningful.<sup>361</sup> For instance, Cemile Hanım, whom we interviewed in Muş, with regard to plea-bargain comments: *“in my view it cannot be accepted.”* Her son, Ekrem Bey offers a similar comment: *“at the moment, even thinking about it hurts one’s conscience...I mean, it’s unbearable. Even considering, thinking of it is not a matter of discussion.”*

However, Adem Bey, whom we spoke to in Hakkari, accepts such a possibility of a plea-bargain in exchange for not only confession, but also disclosure of the chain of command, which we can call telling the truth:

*No, in my opinion there should be no plea-bargain. At the end of the day, they committed crimes consciously. They confess, all right but then they shall name the ones primarily responsible. Who’s the one on the top?... In such case their punishment can be a bit reduced, but the main responsible ones will be punished. It’s because it is necessary to punish those giving orders.*

Since Adem Bey’s mother, Züleyha Hanım interprets an offer of impunity or plea-bargain as “forgiveness”, she offers her opinion as the following: *“I will never forgive them. My pain is very deep, they took my breadwinner.”*

Women, who do not approve of above mentioned suggestions, would generally talk about their overwhelming pain and what they suffered. While Hediye Hanım in Şırnak says *“I swear, I don’t accept this...when I think of the pain I’ve been through, I don’t approve it...They should be punished more than the law says. If the government gives them twenty years, I’d give forty,”* her father-in-law, Davut Bey, does not find it just: *“This is unjust. God won’t accept this, no one will. They have to stay in prison their whole lives.”*

Also in Şırnak, Meryem Hanım tells us: *“No, let their mothers suffer too...I have*

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<sup>361</sup> The question about impunity and plea-bargain was added to our list of questions upon the request of lawyers from Diyarbakır Bar Association.

*wasted away. I'm hurt a lot."* Her father-in-law, Ahmet Bey believes that confession or truth telling does not require plea-bargain: *"No, we don't accept. Anyway, we already know what they did, it's evident. What will they confess to?"*

In Diyarbakır Rabia Hanım joins them in the rejection: *"Definitely not...It was hard on me, I don't accept this."* Her brother, Hasan Bey explains his reasons for his objection as follows: *"my heart would suffer more, I'd die."* Nesima Hanım does not find such suggestions proportional to the gravity nor the quality of the crimes: *"certainly they must serve full time. What they did to us, the infidels didn't... I say, they should serve full time, they burnt them alive, turned into ashes."* Nesima Hanım's son, Nimet Bey explains the political significance such proposition has for them:

*Such a law proposal means they will reconcile. We don't see what's behind the curtain...such a law proposal is made in favour of themselves. There is nothing relieving our people...They do it for themselves, to save their own men from prison, to save those who worked for them, who gave orders, they make this law for the people who made it all happen, to take them out. This is not a law favourable to us.*

Abdüselam Bey, whom we met in Mardin shares Nimet Bey's views: *"That's something between them and the state. The ones who worked for the state are excused... These are not after our own heart, they hurt us. This is injustice."* In Hakkari, Gülsima Hanım says *"If they reduced my brother's sentence by half, we could also reduce theirs by half,"* thinking that such a proposal is unjust in terms of exchange. In Van, for similar reasons, Şengül Hanım rejects such option:

*Why my brother gets life sentence? Why they shouldn't? Why thousands of people, like my brother, they are all political prisoners, I mean not criminals, political prisoners, I mean they are captives, not criminals, they are POWs, and why they all get life sentence? Why those people arbitrarily murder them in the middle of the street? Why should they get away scot-free? I never accept this.*

Interviewed in Diyarbakır Fatma Hanım, putting forward deterrent effect of a punishment rejects these suggestions:

*To tell the truth, I'd like them to confess. But I don't want plea-bargain. Because there's need for something like this, there should be a lesson for everyone. For the future. Punishment's deterrent function is important here. It's like that in this case. It must be a lesson. So that the people won't go through such pain in the future... To see this as a result, people will at least see that this [the result of their actions]. It will be obviously a price for that pain we give them.*

*For that, at first we must be more just' [they will think].*

In Şırnak Azize Hanım says that she cannot answer such suggestions presumptively and that she can only decide according to the concrete conditions of that moment: *"Bring him to me once, and let me see his face. What kind of a face is it? A slayer? How is he? Those acting like that are slayers, anyway, but why did he do it? What kind of decision brought them to do it? I mean such decision is a big deal, it's a hard decision what you said. It's a hard decision. It's difficult to give one in a short time."*

Şükriye Hanım in Mardin, is one of those who might give a positive response to the proposal of plea-bargain, however, she would like to be sure that the whole truth would be told:

*There's God. For God, for humanity they must tell it. You have God's mercy and grace, you're a person...However, this is also a hazard. When someone is as cruel as him, it must be said, must it not? If there's humanity, there's mercy, [they should tell] why did they massacre all these people?...You are the government. How dare you kill children people raised in hunger, in poverty?*

In Bitlis we spoke to Nihat Bey, who explains his reason for giving a positive response to such proposal as follows: *"I mean, of course. After saying 'in the end we did this,' after facing themselves...Well, now, life sentence is no remedy for my suffering, it's no remedy for any family."* İdris Bey in Batman also gives a positive response to this proposal for similar reasons: *"Well, there are hundreds of thousands of people like me, if they all accept...Me, personally, I don't know, I cannot be like them. I can never and ever trample on human dignity. Because they committed this atrocity, we mustn't do the same...we will consent to [a lesser punishment]."*

Eşref Bey from Van, whom we interviewed in Istanbul, unlike his sister Şengül Hanım, says that he would give a positive response to this proposal or similar draft laws without hesitation and explains the grievances such a law could be a remedy for:

*We are the first to say, have [this draft] come out and we'll do so...Now, for example many things happened, you say, people are missing...People want bones of their brothers, fathers, uncles. If there's a sincere confession at this point, I mean, in the end they are human beings, social beings, they can undergo all sorts of change-transformation, you must judge them by that day's conditions. Well, if he's sincere, you'll be satisfied. Believe me, it is so.*

Eşref Bey's murdered brother's wife, Sinem Hanım, at first rejects the idea of

plea-bargain, but later, however, she imposes a condition to accept it:

*No, I swear I don't accept it. I don't accept. What's the punishment, they should get it...They must get punished. I don't want their sentence to be reduced, yes I swear...Do you know how could I accept it? If I will accept, I will do so in order that our people and youth don't die anymore, that there is an amnesty, that our young people can come back from the mountains and that spilling blood stops. In that case, if there will be peace, I accept this for our people. Except that I cannot accept it.*

In fact, interviewees often underline that impunity or plea-bargain can be provided not just in return for confession or truth or not only together with truths, but with such political gestures as official apology and the solution of the Kurdish issue, as they say, in a 'peaceful and democratic' manner.

The same emphasis exists in the answers concerning the issue of material reparation. First of all, money paid to the victims in cases that have been filed until today, but have not concluded with a sentence or prosecution of perpetrators or those responsible in charge cannot be what we call "material reparation" in the context of coming to terms with the past. It is also understood that those payments have been made upon signing a statement attributing crimes to the PKK. Therefore, maybe those who have rejected the money they were entitled to or offered by the court did so because they perceived them as a "settlement fee," "compromise fee" or "blood money" and that is why some of those who were paid still continue to demand material reparations. It is also worth adding that the demand for material reparation can become a primary issue only for the relatives who suffered from economic hardship after their loss and for those who still have economic difficulties. On the other hand, in general, those interviewees who ask for material reparation, point that for the material reparation to be satisfactory both the amount of money and the manner of payment are important, that is, it has to be accompanied by such political and legal measures as revealing truths, prosecution of perpetrators and those in charge, apology and democratic solution to the Kurdish issue. We did not manage to discuss the matter of material reparation with twenty six interviewees due to a number of reasons: either they had already received compensation or the course of conversation did not allow us to ask such a question, or the interviewees were reluctant or not competent to answer. From the remaining thirty people, only eight of them categorically rejected material reparation. Remaining twenty two ask for material compensation as well as legal and political measures discussed earlier.

Though Ramazan Bey in Şırnak expresses his demand for material reparation, he points out a debt that cannot be paid by compensation: *"I demand material and non-material reparations. We've been through hard things. Of course we want this. However, wanting this does not mean stop following the reasons why all those people were murdered."* He fears that once compensations are paid, the truth will be covered up and injustice underlying victimhood will not be removed: *"The Kurdish issue has to be solved. We were killed for that."* Ramazan Bey's nephew, Ahmet Bey suggests that peace cannot be achieved through material reparations only: *"Material reparation or so, it was already offered, we didn't take it...it was a settlement fee. They pushed for it pretty hard, we did nothing. We will demand the perpetrator to be prosecuted."* In Bitlis we spoke to Necmettin Bey, whose brother was murdered, and he shared his views as to why he demands material reparations and rejected prior financial offers:

*We cannot value his worth in money, but now that the state did such a thing, it has to pay a price...at least the children, family must get welfare. I mean it's a money issue, a hundred or a hundred fifty thousand is not a price of a body... It is a proof showing state's guilt that the state is guilty...but that the amount of material reparation then was low made you feel a bit...it's humiliating.*

Nihat Bey, son of Necmettin Bey's murdered brother expresses the kind of grievances that stand behind their demand for material reparation though he says it never fully helps:

*...seriously, I was fifteen, fourteen years old and responsibility for the entire household fell on my shoulders. I have six siblings. I have a mother. My grandfather took me from school. Despite my good performance at school... In moral terms, never and ever nobody will compensate our loss, never. Let aside ours, any family's...none of the families can be morally compensated for that matter. You can't pay for their existence, nonexistence, lives.*

Ferya Hanım, interviewed in Diyarbakır, tells us how she could not oppose family's demand for reparations, but similarly to Nihat Bey, she lists things that cannot be compensated for:

*There's an on-going lawsuit at the moment...And it's not with my consent. Only because of pressure from outside...Financial outcomes are nothing for me, it won't take back my siblings' psychological breakdown or separated family, it won't bring back my lost mother, father, nothing. For me it's an insult, but with the pressure of the people around... I mean my aim in accepting it, was*

*to file a lawsuit for political reasons later, for example we opened a lawsuit, in terms of legal action.*

Mehdi Bey, interviewed in Batman, just like Necmettin Bey, did not accept financial offers and shares Ferya Hanım's view on the importance of legal struggle:

*No, I wasn't for material reparation. I objected to the lawyer about that thirteen billions<sup>362</sup> we took... It was blood money, not reconciliation... like this, we deserve it. Establishment of the law, well-functioning law... That's what we want, and in financial terms this case must not be connected to money... Establishment of the law along with economy, a well-functioning law is very important for us, Kurds. Yes, we've experienced financial and economic collapse, but our struggle is about law... Law is very important and so is keeping official records of these atrocities, cruelty.*

İdris Bey, also interviewed in Batman, talks about financial problems his family experienced after his father's murder as well as his demands with regard to prosecution of perpetrators. Having said that, he answers our question concerning material reparations in one sentence, as if adding annotation: "material reparation is not everything."

Nimet Bey, whom we talked to in Diyarbakır, after also stating like İdris Bey that "not everything is about money," describes grievances that cannot be calculated even if everything was about money:

*Of course material reparations must be given. In the end you burnt someone's workplace and him. You leave fourteen orphaned children. You deprive them of school. Deprive them of education. Deprive them of health. Each one of them must be compensated...It destroys psychological wellbeing of a fifteen year old child. His health is gone...For example, let's say that for twenty two years I lost that work. If you calculate that it amounts to millions.*

Nimet Bey's brother, Özkan Bey expects an "inquiry after their health" to accompany material reparation:

*What I expect from the state is that these people are punished and suffering of others is gone. It's because these people really suffered a lot. I mean you did this. As a result what happened to the family? What's their situation, how did they turn out? The state must have performed its job as the state... It must have sup-*

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362 In 2005 there was redenomination of Turkish currency and 6 digits were removed from each banknote [Translator's note].

*ported not only us, but all families... It must pay reparation to relieve suffering.*

In Muş, Aysel Hanım seems to object material reparation in case that perpetrators and those in charge are not prosecuted: *"I want both, so help me God. The state did this to me. I suffer like that for twenty years. Anyway when I get the material one, it's no good to me. I want it for the kids...But first I want them punished."*

Women interviewees generally associated material reparation with surviving children. In Van, Yıldız Hanım, also demands material reparation for her children: *"If the material reparation comes through it'll be good for children. Material reparation, aid will be good for them if it comes through."* Sarya Hanım in Hakkari, when demanding material reparation has in her mind her nieces and nephews: *"I want it. For children. Not for myself, not for my mother or father. For the children."* Mizgin Hanım, Nusaybin, thinks of another survivor: *"I want it for my mother. Anyway this compensation won't bring anything back. I want if for my mother, but it's a pity for her. She has no salary, nothing, poor thing."*

Fatma Hanım, interviewed in Diyarbakır, thinks that material reparation must be paid by the state, thinking if not about her own family, then about families in difficult financial situation, who suffer from human losses due to economic hardships and considering the responsibility of the state for these losses:

*This must be done. Why? It's because people really lag behind because of that. We also had such problems...The state certainly must pay...Thank God, we really clawed our way out. I don't really want it, but there are many people who are really in need. It's because there was a lot of pain. Among my relatives there were children that died of hunger...Can a person die from hunger? In our community a lot of people died from hunger. People die from lack of shelter, protection. These things, of course, cannot be compensated for, but the state must ease their plight to some extent.*

Hasan Bey, also interviewed in Diyarbakır, after stating that *"money or so is not my heart's desire"* talks about his family's problems similar to ones described by Fatma Hanım and justifies his claims to material reparation:

*I want it. My hand was broken. I became disabled. Two of my sons were stabbed in the metropolis for saying they were Kurds. My children are disabled. My both sons were stabbed in their arms. They are disabled. I want it. I want my rights. I left my village twenty five years ago. I want my right. If my demand is just I want my rights. I also want for my brother.*

In Şırnak we spoke to Davut Bey, whose family was massacred also demands material reparation but he refers to the discomfort that will rise from a material reparation independent of legal and political measures: “I demand material reparation, but even if Turkey’s all riches is given to me, it won’t make me relieved.” His daughter-in-law, Azize Hanım, even believes that he did not want any compensation at all. Herself, she tells us how getting material reparation would burden her conscience: “My father-in-law doesn’t want...If we get it, we will donate...Because it’s like getting blood [money]. I don’t want to keep it.” As a matter of fact, Azize Hanım’s concerns bear semblance with others’ concerns. Many people fear that once material reparations are accepted, truths will be covered up and the solution to the Kurdish issue will be lacking, or more precisely, the struggle that costed lives of their relatives will be in vain. In other words, they object commodification of the deaths that would render them meaningless. What is known as “Roboski Massacre,” was an example from recent past often brought up by the interviewees to justify that objection. On 28 December 2011, in the evening, thirty four people from two villages of Uludere district of Şırnak i.e. from Ortasu/Roboski and Gülyazı/Bujeh, were killed as a result of a bombing by the Turkish Air Force. Twenty eight victims were from the same family. In the aftermath of the massacre, material reparations offered to the relatives by the government was rejected by the families on the grounds that they demanded “justice not money.”<sup>363</sup> Mukaddes Hanım interviewed in Muş, in an attempt to explain her own objections also resorts to the example of Roboski families’ stance:

*I really speak in my name. I don’t want. Because nothing can fill his place... Whatever they give will be nothing in my eyes...Because in the end the state thinks like this: we’ll detain, take away, kill, give the money too and they will know their place...Because they see things through money...For example in the Roboski case ‘we’ll give this much money to the families and the issue will be closed.’ In the end no matter how much money you give, how much you do, this pain won’t go away, whatever you do, it won’t stop.*

Yasemin Hanım, whom we interviewed in Mardin, also reminds that we talk about a loss that cannot be compensated financially: “Will they give us goods? Money? Gold? Will they give us the world? Our brother won’t be back. We don’t

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363 For timeline of events related to Roboski massacre see: <http://www.bianet.org/bianet/toplum/152440-kronoloji-roboski-katliami-nin-uzerinden-iki-yil-gecti> [retrived: 24 November 2014]. For more information about families’ objection see: [http://www.zaman.com.tr/gundem\\_uludereli-aileler-tazminata-el-surmedi\\_2189504.html](http://www.zaman.com.tr/gundem_uludereli-aileler-tazminata-el-surmedi_2189504.html) [Retrieved: 24 November 2014].

*want all that.” Her father, Abdülselem Bey is far from seeing material reparation as a measure for the restoration of citizen-state relations or as a matter of claiming rights: “...We have nothing to do with their compensation, we won’t take their money.”*

Those interviewees who express that material reparation without legal and political measures will not do away with grievances and will not ease the pain, also suggest that if those measures were to be taken, the matter of material reparation would be off the agenda. Sinem Hanım, interviewed in Van, tells us this: *“Material reparation? I want them to reveal our enemies, make them talk why they murdered, why they did all these, that’s what I want. We don’t want anything else.”* Sinem Hanım’s murdered husband’s sister, Şengül Hanım, holds similar views: *“What would we do with the case for material reparation? We don’t want the case for material reparation. We want those people to be punished. We don’t want material reparation, our problem is not material reparation; I mean material reparation is not something that will convince us, that will satisfy us.”*

İrfan Bey, interviewed in Hakkari, does not see the money he has been paid as material reparation and, like many others who still look for their relatives, insists that his demands are not about material reparation: *“What will we do with reparations? We don’t want to buy people. We just asked for the bones...”* For his sister, Gülsima Hanım, the meaning of material reparation is different: *“No, so help me God, we are not accepting material reparation. For us, Kurds, claim for our rights, for our sweat is our compensation. That’s our compensation. Do I want material reparation? Give us our place, our country.”* As a matter of fact, those who reject material reparation tacitly confirm the conditions for accepting material reparation listed by those who do demand so. For example, in Muş Abdülkerim Bey says: *“Financial losses are not the most decisive, pain we’ve suffered is more important...If the Kurdish issue is solved in a peaceful and democratic manner then first our pain will ease and secondly, we think that we will not be the victims of unsolved murders anymore.”*

Like we have already discussed in Chapter I, no matter how big the amount offered, material reparations seem meaningless without acknowledging that the actions mentioned above are crimes but not committed by accident or mistake, without taking the responsibility for those crimes, and without acting with the intention of restoring justice. Furthermore, measures called symbolic reparation can be more meaningful and constitutive concerning the damages, as many interviewees suggest, that wrongs cannot be replaced or repaired by any material reparation. In this sense, it is time to remind

Walker's argument: truth telling is both a sine qua non for and a constituent element of reparations.<sup>364</sup> Walker claims that truth telling itself can be considered as an act of reparation in some cases. The process of truth telling, which might lead to the implementation of retributive justice and give meaning to material reparations has a restorative character not only with regards to the damaged social relations but also citizen-state relations. It is also like an assurance of the future free from the reoccurrence of violations. Official apologies that are supposed to accompany this truth telling process also carry this assurance of "never again." However, what truly guarantees permanent peace is the solution of the political problem behind the injustice, which means meeting demands for rights. How these demands and similar expectations are expressed will be discussed below.

***Demand for Restorative Justice: Acknowledgment of Truths, Grave, Apology***

Demand for acknowledgment of truths is rarely an issue brought to agenda on its own by the interviewees, or to be more precise, it is only a subject matter for the families of the victims of forced disappearances. The reason is that, according to the relatives of victims, except for those who want "at least" to have a grave to visit, there is no truth to be revealed but acknowledged officially. It has already been mentioned in Chapter II, the most important function of truth commissions is also not simply revealing but preventing the denial and trivialization of the victims' suffering i.e. "narrow the range of permissible lies."<sup>365</sup> From this perspective, keeping in mind the demands with regard to revealing and punishment of perpetrators and the responsible ones, we can say that the most important demand of our interviewees was "acknowledgment of truths." For the people who for years have been trying to learn the fate of their relatives, there is obviously truth that must be revealed, or rather, there is an uncertainty that must end. The importance of overcoming this uncertainty is well illustrated by Nurcan Baysal in a story of two sisters who came from Germany to Diyarbakır to find remains of their father. "Buying digging tools right away upon arrival" two sisters went to a field, where their father had been murdered and they kept digging until midnight:

*It was after all exhausting, we found only few pieces of clothes, but we didn't find any bones attached to those clothes, I think they must have slipped some-*

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<sup>364</sup> Walker, 2010, p.530.

<sup>365</sup> Bickford, 2007, p. 999; Ignatieff, 1996, p. 110.

*where. You must dig everywhere, the area is large...We think that if we could find a detector it would show us where the body is. Today we searched and found a detector, but now we are looking for someone who knows how to use it. Still we have five more days until our return, we will continue with digging tools. Living like that is very hard. In the last twenty years there was probably not a single day that we didn't think about our father. We always thought that one day he'll come, that he is alive. When we find his bones and bury them in a proper place both he will rest in peace and we will sleep well. Can you imagine this? Bones of our dead ones make us happy. Finding his bones would make us very happy.<sup>366</sup>*

Mizgin Hanım, whom we interviewed in Mardin, also uses similar phrases to explain the hardship of living with this uncertainty:

*If there was a grave, we would say Al-Fatiha<sup>367</sup>, we'd feel better...I only want my father. Dead or alive. What would I want from the state?...My only problem is that I want my father. Even if he is dead or alive, I mean, we just want his bones. If there's soil [remaining from his bones], we want the soil. I mean, we want our father...In the end we were orphaned. No one drunk water at our house, because they said we were orphans. We took this to our hearts. We would tell among ourselves that 'we have a father' but the people would call us orphans. If there was a grave, we would say 'our father died, we are orphans.' There's no grave, no soil. How people would call us 'orphans!' Many people's mothers or fathers die and they call them 'orphans,' but in our case it was not the case. No grave, no soil, nothing, but they say 'orphans.' How come?...Now I'm also saying, there was this DNA test. I tell myself, that even if only one bone comes up, it'll be comforting. In the end, if nothing else, we'll say he's dead. But sometimes I wish it doesn't come up, otherwise our pain will return. That's what I'm suspicious about. If it comes up the pain will be back.*

Mukaddes Hanım, whom we visited in Muş, also wants the uncertainty to be over but she also fears that a new pain will replace uncertainty:

*[I want] just that my father is found. To have a grave when I go to cemetery. Just this. Nothing more. Only this can ease [the pain]. Nothing else can ease it... if nothing else, I just want a grave for my father. Nothing else. So my mother finds peace. So that the pain is a bit alleviated. Now unsolved murders are*

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<sup>366</sup>Nurcan Baysal, "Biz Ölülerimizin Kemiklerine Bile Çok Seviniyoruz", 7 October 2014; <http://t24.com.tr/yazarlar/nurcan-baysal/biz-olulerimizin-kemiklerine-bile-cok-seviniyoruz,10324> [ Retrieved: 7 December 2014].

<sup>367</sup> Surah from the Qur'an, also said by one's grave [Translator's note].

*coming out. Families are asked to give DNA samples. You're hoping sometimes deep inside 'I wish it wouldn't be him.' ...I mean, think of this, you can't imagine pain of your mother...In the end you don't know if he is alive. And you still have hope. In the end you deliver DNA sample. On the other hand, I don't know, you're thinking 'if it's him.' What will we do if it's him? In that moment a different feeling takes over.*

Mukaddes Hanım's mother did not say anything about this, but her brother, Ekrem Bey emphasizes priority of the demand for a grave:

*We give our DNA samples for every unearthed mass grave, they make comparisons and we always return empty-handed...Right now, I'm sure that me and my family want to have a grave for my father the most. At least one bone, anything, if my father had a grave, we'd know where he was, already we could at least guess how he died. We can compare nowadays with the past in terms of what we've been through, we can judge it, but now, we want just a grave. We are still in pursuit of that.*

Raziya Hanım in Batman, tells us about her husband's futile struggle to get back the bones of their son, whom her husband presumed to be dead:

*He said: 'I didn't leave the Turkish flag, but if you killed my son, if nothing else, give me his bones, I'll bury them, give me patience.' He said: 'I didn't see them [bones] neither.' He said he took his clothes and came. Since that day, we have been looking for and we can't find. Can't find his bones. If nothing else, if we only found his bones. People visit graves of the dead ones, go to their bones. If nothing else, they can catch some breath. We couldn't find those bones.*

Raziye Hanım's son, Nizamettin Bey, points to spiritual and legal problems stemming from uncertainty and lack of grave. He also gave his definition of truth, which we can call "political truth:"

*If my brother had a grave our pain would be a bit lessened. Think of it, there's even no grave. If nothing else, we would go and say Al-Fatiha. We'd do a good deed. They even don't give us our deceased. My brother was young. For years we don't even know if he's dead. Though we're sure he's dead. But there's no official document saying that. Revealing truths is important but not enough. After all these people were murdered not for an ordinary cause...These people were murdered because of the Kurdish issue. That's why the Kurdish issue has to be solved. Then the people will rest in peace in their graves. For me truth means the solution of the Kurdish issue.*

Gülsima Hanım visited in Hakkari, connects her demands for her brother's grave with the solution of the Kurdish issue, by referring to the Kurdish youth, Abdullah Öcalan and citizens-state relations:

*18 years passed. We neither found the bones nor the grave...We are making a case for our brother. We are making a case for our brother's bones...There's nothing I want from the state. What I want is that. Kurds are young. Our president is in prison. We are making a case for our brother's bones. If Erdoğan says 'we are the state,' then we are in our own state. If it's our state, give us bones of our brother. That's what I want to say.*

If Abdullah Öcalan gives a positive signal, she says, she will accept state's apology, she will even apologize herself: Otherwise, "If they say we apologize. I don't accept it," she says, adding:

*For example you came to my home free. Let our president come free...We have food today thanks to our president and guerrilla. We live without enemies. If our president shows us the way, says: 'we came with them together, sat by the table. All of you say 'I'm sorry,' we will say it.*

The condition Gülsima Hanım puts forward to accept apology, that is, Abdullah Öcalan's declaration and his freedom cannot be understood simply as the fetishization of a leader because the apology she awaits will occur in the case that the Kurdish demands are met to a significant extent, i.e. when the parts meet at the same table on equal footing and the negotiations for peace progress.

Gülsima Hanım's brother, İrfan Bey's demand for apology is more precise and for him no grave means no state:

*So help me God, when they give us the bones, we'll find peace. We want our grave [of our brother]. I mean we will have his grave. On religious holidays, Fridays, we will go to that grave and say Al-Fatiha. That's what we want...Why are there thousands of unsolved murders in Turkey? Why Turkey hides these people? Prisons are full of Ergenekon. Most don't ask 'where are these people, where are the bones?' President doesn't step up and say 'you killed these people, their families watch the roads, where are the bodies?' They don't say that. They could in three, four hours give all those bones to their families. But Turkey doesn't give. Turkey is a partner in this...The state is part of this...No, we lost our hopes. Because there's no state...If we had a state it would give the bones long time ago...When a person sees the bones, finds peace...Now the prime minister has been*

*for ten years in the parliament...Hey, give the people all the bones. So much time has passed. Apologize. One day apologize these people.*

Most probably on the account of little hope or disbelief in the occurrence of an apology, or priority given to the exposure of the truth or tacit apology embedded in truth telling, very few interviewees expressed on their own a demand for an apology. That's why we believe that for the interviewees it is more a wish than a demand to be apologized. On the other hand, it would seem that when there is a strong political will and societal intent, this wish can easily transform into a demand. Abdülkerim Bey, whom we interviewed in Muş, briefly explains this argument:

*...the state, state's authorised organs, the prime minister shall step up and say 'I open all the archives pertaining to that period.' Set up a commission, it could be a justice and truth commission, it could be something else, create a commission, I'll give all the information to that commission, and after investigation the commission will state: 'so and so day, so and so place the actual course of events was as follows.'... In fact, from our perspective, the truth is very clear. We never had any doubts. We know the perpetrators, not as individuals, not by names, but as an institution, we know very well... But we say we want it to be official. Like I said at the beginning, there is a signature under those events, we want its owner to come forward and say, 'yes, it belongs to me'... We also expect apology from the state because we suffered a lot.*

Şengül Hanım, interviewed in Van, wants the already known truth to be acknowledged together with the punishment of perpetrators and the ones responsible:

*We already know the truth...Well, I'm giving you names. They themselves come and say 'I, I, I, this and that person did that.' It's out there in the open...prosecutor, judge know, the police know. Everyone knows them, whom they murdered and why they don't bring them in? Let the whole world know. Not just me, let the whole world know. And I want to go to his grave and say: 'look, okay, they murdered you, but they have been punished.' That's what at least I want to say.*

She also would not accept state's apology:

*Who will they apologize? Who?...Us? Will the apology bring him back? Will it end the pain? Wife stayed at home for twenty years. What kind of apology will console her?... there's just one thing we want. Find these people. Bring them in front of the public, punish...It won't make the pain go away. Not twenty years,*

*twenty centuries may pass but the pain will remain same. It cannot be eased, but as they say, justice is done.*

Şengül Hanım's brother, Orhan Bey, considering other victims and peace process, emphasises the importance of the demand for the exposal of truths, which for now is only a wish:

*When the peace negotiations started, when the meetings started, in fact when they were established within the parliament, I was really very excited. Because so many horrific things happened, that even if they don't bring all of them to light, then at least a half, and in my opinion it will make a big relief in the society. Because like I said, people want their bones. They even consent to that... Now if the peace thing takes off, priorities may change, but this is irrevocable demand...Now, about this developing peace process, in fact the first condition is Justice and Investigation Commission. What I want the most from the process is the commission and the exposal of everything...It's a wish, a wish, but one day it'll come true.*

In Bitlis, Necmettin Bey believes that even if there is not a high possibility for this to come true, after acknowledging the truth, there is a need for an apology and political reforms. He also points out that acknowledgement and apology will have a positive impact on Turks:

*...well, yes, the Republic of Turkey shall come forward and say: 'yes, all the unsolved murders in Kurdistan were committed under our command, done according to our plan.' Turks will understand this... They [responsible ones] also shall tell why they did it...Yet TR do not apologize. Because they killed thirty five people in Roboski fifteen days ago [he refers to anniversary of the events]. Still haven't apologized. I mean, will they today apologise me and all the other people? Not a chance!... Let someone come on TV, or another place and offer apology. Say that we did so and so...Apologize these people but also make some changes with regard to Kurds without fear.*

Kamil Bey in Hakkari, again referring to Roboski, states that the demands for acknowledgement of truths and apology are affirmative conditions for the existence of the state:

*Until today how many Kurdish uprisings were there? How many people were executed until today? One day if the responsible ones, the state say that they apologize those families, 'we killed those people...let's apologize.' Let's relieve people....Only God cannot apologize. He knows, builds and destroys. However in a state there must be justice. There must be justice and law. They must say*

*'people are murdered, executed under my command.' Let's take Roboski, how many young people were murdered in front of the eyes of the whole world? Just say who ordered this. I'm calling on Tayyip Erdoğan. I'm asking Tayyip Erdoğan 'why did you have my brother murdered?'. The state has to apologize all the Kurds...If you establish truth commission, everyone shall come, anyone from our forces and the state, whoever has blood on their hands...That's what I want from the state...The day they come and apologize my mother, tell her 'we executed your son' I'll see some light and justice in the state. Then I'll say that there's a state. That the justice is spreading slowly in Turkey. That there are human rights, there's truth.*

İdris Bey, in Batman, expresses his demands in one sentence: *"I want them to stand up and apologise this nation, not to do the same stuff again and to get life sentences."* Yusuf Bey in Hakkari, believes that exposing the truth and apology will be completed with the assurance that those events will not reoccur. Also, like Necmettin Bey, he believes that it could have a positive impact on Turks. He has no hopes for an apology from those who are primarily responsible for the murder of his father, but he has expectations from the current political power:

*With regard to my father, I want the unsolved murders to be solved now. I want a commission to be set up, I don't know if there is such a commission right now. Perhaps there is... There are people who cannot find bodies of their sons and daughters even. I want this to be solved...Of course, that [an apology] is the most important. I mean I don't expect it from Demirel...from the current state, yes. On behalf of the previous government. Also if they apologize for what they are doing now and if they don't do it again, we'll be happy...Probably to do such a thing, to shed light on those events. There was one, Berfo Nine, right? Like her, people really need to speak in the parliament. Those people are not made of stone probably. I think they'll understand. That's how it should be. There's a need for relatives of the missing ones to speak in the parliament, to put it on the agenda to solve. I believe that if it's on the agenda, witnesses of those events will come forwards and talk, I think. That's how it should be...A commission or something like that must remain on the agenda... Erdoğan, if he wants, can put it on Turks' agenda.*

Yusuf Bey's aunt, Sarya Hanım, demands the acknowledgement of truths and again reminds that her murdered brother was a citizen:

*I want the state to come forward and say: 'this was a citizen...we did this.' I want them to suffer a pang of conscience. Step up, have one say it, for example, have the state come and say it. In the end he was also a citizen of the Republic*

*of Turkey... Why everyone was silent?... If we knew those people we would find some peace. Without that we can't, can we? ... I want it to be revealed. Say 'I suffer a pang of conscience'... The state must not be silent.*

In Şırnak Meryem Hanım constantly talks about relation between justice and telling truths. She describes what we discussed in Chapter I as “a right to truth:”

*For example I want today my rights. For example I want perpetrators of these murders to be known. Whatever falls upon us, we want it. If you ask 'what' we want, I want my right, whatever my right, law is, I want it. I want my husband's right to be revealed. Why? What for? I want that too. We want for ourselves everything. We want our right...That's the right [to learn] why? What for? I want this right. I don't want anything else...Let it out in the open... Let the truth out...The state must give us our right. We are making a case for our right. We are making a case for our law. Why? What's the reason? What's your problem? We make a case for that. Both the government shall ask for our rights and the politics [Kurdish movement]. They were six people. We won't give today six people for nothing. We won't leave them...Have them come to the court in front of us, we'll also come to the court. Have them tell us 'because of that'...let it out into the open...Whatever is needed for justice, the state, the government do it.*

Interviewed in Diyarbakır Ferya Hanım, emphasises the priority of the right to truth and the importance of political gestures we mentioned in the section of “Right to Truth”:

*First of all, who, what for, why? Okay, it wasn't this state but the investigation of the predecessors comes before everything. For that, I don't know, are they setting up a commission, I don't know, MPs are meeting and do things? Whatever they do, they should do to bring to light, that's the priority. Later, if you ask us, we say it was a bit late... It is too late indeed. If they had done it five years earlier, even one year earlier or two years earlier. With time the issue is gangrening... Somehow, I don't know, they must show a sincere attitude. For example someone like a prime minister, comes to Diyarbakır and talks, and says: 'I want to do so and so' but then goes to Ankara and says 'I was stripped of my dreams.' Well, we don't need your dreams. We are the people who experienced the reality. We didn't even have time to dream. Rather than lack of time, this idea is alien to us.*

Again in Diyarbakır, we spoke to Fatma Hanım. When she expresses her views

about the exposal or acknowledgement of truths and apology, she also talks about her expectation of justice that she defines as the Kurds able to smile, grow and develop more:

*I don't really believe in it. I don't believe that [the state] will bind up people's wounds. Because now there are perhaps some meetings, things are being done, but me, what I want from future life, is that my people will at least smile more, grow more and develop more. Unfortunately, we get better education in the West, don't we? Our state is like that. Didn't provide us with better education, doesn't provide...That's the request from the state. To bring things here. To bring the beautiful here. I mean, to make people here live the happiness they need to live...Definitely they must [apologize]. Why? As I said, in the document given to me, to us, [there was a statement meaning] 'he deserved death'. What does this mean, ha?...It means we didn't advance. The state tells me: 'Do whatever you want, try as much as you can, but my hand is above you.' That's what it means. 'Whenever I like I can crash you.' It means we must know our place. Of course the state must apologize...Must bring to light the whole truth. Is it enough now, you may ask, no it is not enough.*

Demand for uncovering truths is interpreted as a mutual process and associated with political agenda by Nimet Bey, whom we also interviewed in Diyarbakır:

*As you see the Leadership now wants Truth Commission to be established. President Apo really sees the future. We, as Kurds, me as a soldier in this struggle, I extend my infinite thanks to him. You'll ask 'why?' Well, he sees everything, he says 'establish Truth Commission.' Why truth commission? Well, who did what, let it all be public. If we did, ours. Eee, if you did, yours, father...Someone was coming here from Istanbul. I told him 'my father was murdered by the state,' ...he didn't believe me...Because you cannot hear this on TV. As you see, that's why Truth Commission will be established. The commission will go, talk to the people of Şırnak, with the families of the soldiers too, their mothers, they'll talk to my mother too, and will also talk to the witnesses of those events...We expect the state to establish Truth Commission. Who's right, who's wrong will be disclosed.*

According to Nimet Bey's brother, Özkan Bey, official apology is a necessary and meaningful gesture: "Because they owe apology to these people. The state was not supposed to do all those things to its own people, in the end those were your people."

*"The state must not kill people's children. Must give people their rights," says Şükriye Hanım in Mardin, who also believes that apology will be meaningful if violations do not happen again: "When I make a mistake I shall apologize you. But [they shall] say 'I won't do it again, we are brothers, we own each other, we'll be equal.' It's good. If you do it again and again the world dries up." Azize Hanım, Şırnak, strongly reacts to the fact that she was not offered condolence for her murdered husband and relatives and so is her opinion of the apology she has not yet been offered: "Of course if such a thing happened it would be good, but it didn't. No one demanded justice for us, nobody asked. Not even one person came. Why it happened? What happened? They didn't even offer condolences...Such a thing, if it were you, wouldn't you want it? Come, extend your condolences, I mean six people. It could've happened, why it didn't?"*

Rabia Hanım, whom we interviewed in Diyarbakır, who at first cannot make sense of our question about apology and later ignores it, prefers to express her reaction to the impunity of the perpetrators and those in charge:

*If they apologize...I don't know what you mean...I'm not able to understand...I don't know. I don't know is it better if I say it or if I don't...Today even if they apologize, the pain is in our hearts, it won't go away. It won't go away until we die. Perhaps if I die, it will go...I can't find peace, even if they apologize I won't either...If something happens to them, only then I'll find peace. Otherwise I won't.*

Ahmet Bey, whom we talked to in Şırnak, like Rabia Hanım, at first cannot make sense of our question, but after a while, he says that apology will be insufficient and meaningless if impunity prevails:

*Us?... They apologize? But it's not something you can apologize for. If it will be OK with apology, then it's fine...There's nothing about an apology. What, they'll come and apologize and our pain will fade, put aside us. My brother's wife was widowed at the age of twenty three, was handicapped, her husband and daughter died in front of her eyes. An apology won't do anything to that... they must be prosecuted, I mean they mustn't stay unpunished.*

Indeed, Ahmet Bey's sister-in-law, Meryem Hanım says that she would not accept an apology, leave aside demand for it:

*Never in a million years, would I accept apology...If God accepts, I'll too, but God does not...My life withered away. I got nothing from life. We didn't see the world. We don't know how the world goes on. How can I accept an apology? Not in a million years will I accept an apology.*

Bedriye Hanım interviewed in Batman is also one of those who will not accept an apology. Her reason describes the unrelatedness she prefers to have with the state that she charges for the murder of her son: *“You murdered him and then you come and apologize. I don’t accept this, should I accept it?...It’s my enemy. Can a person accept an enemy?”*

The attitude that is summarised in this answer of Bedriye Hanım and became visible in her other answers and is also echoed in the answers of other interviewees, in fact corresponds to a state of demandlessness.

***Demandlessness: “Hearts of all Kurdish people are broken”***

“Rejection of intimacy” or desire to stay away, which is described by Yıldız Hanım in Batman, saying *“We’re at our home, they are theirs”* is also a picture of the state of demandlessness mentioned above.<sup>368</sup> Yıldız Hanım’s son, Edip Bey, describes this state clearly: *“What can the state do for Kurds? Already is murdering Kurds, will it now come and help?...I don’t want anything from the state.”*

Taha Bey, whom we met in Diyarbakır, offers an explanation as to why he also has no expectations from the state:

*What will I tell a person who can’t bear even a gravestone? How can I see him as a friend?... He looks at a gravestone in such a way, do you know?... For example in Lice they made this thing for cemetery. They can’t stand it. For example in Şırnak, Yüksekova, Mardin they went to cemeteries and destroyed. They can’t even bear this.*

Taha Bey refers to attacks on cemeteries in different parts of Kurdistan. Newspaper Özgür Gündem, dated from 26 August 2013, reported that in Olek village of Bitlis district, the police attacked together with panzer and caterpillar “Xerzan War Memorial”, which was being constructed for the bodies found in mass graves and murdered PKK fighters. The article quoted BDP Bitlis Province Chair M. Can Demir: *“In which century and in which society have you heard of an attack on a cemetery? What kind of people can do that? Kurdish people will*

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<sup>368</sup>Like we said, when preparing this study, we met in Istanbul and Diyarbakır with representatives of different civil society organizations and academics. 16 December 2013 during our meeting at Bosphorus University with Nazan Üstündağ, she told us, based on her own research, that attitude of persons who reject forgiveness, can be seen as a rejection of intimacy, that by saying ‘we’re not forgiving’, people say in fact ‘I don’t want the state to get closer to me.’ She said that forgiveness in fact each time means re-establishment of close relation. In the next chapter we will discuss forgiveness in greater detail, but it is also possible to describe demandlessness as the “rejection of intimacy.” Herby we once again thank Nazan Üstündağ.

*ask a payback for this disrespect.”* In the same newspaper there is news dated from 8 September 2013 condemning attacks on cemeteries in Mardin and Muş. MEYADER Bulanık office spokesperson Hakim Kaşçı’s comments were cited in the paper: *“...Even dead bodies of Kurdish people are not tolerated...If the state is serious about peace process it has to immediately identify those who did it and show them to public.”* Co-chair of Mardin BDP Nusaybin District A. Bari Eren commented: *“This is an insult to the people of whole Kurdistan.”*<sup>369</sup>

Adem Bey, whom we interviewed in Hakkari, talks about Roboski massacre, which is seen by most of the Kurds as a recent example of insult to themselves when he explains the state of demandlessness:

*Frankly speaking I have no expectations from this state. It does nothing. Think of it, Roboski massacre. Think of it, who gave the order? Necdet Özel. Commander-in-Chief personally gave the order, but they don't allow the prosecution of the one who gave the order. Think of it, there is one man there, in the highest echelon and it becomes public that this man gave the order, but he's not prosecuted. I don't await justice from this state. I never did expect anything anyway... All the time there's state oppression. For example, look at the market, 24h the police are there with AK-47s in their hands, intimidating people. Then, what could I expect from this state?... When I say the state, who comes to my mind? People who run the country for example. Prime Minister, Commander-in-Chief come to my mind and I look at them, none of them is trying to solve the unsolved murders. When I say that I don't expect anything from this state, that's what I have in mind.*

İrfan Bey, interviewed in Hakkari, for whom lack of a grave equals lack of a state, also explains his state of demandlessness with the Roboski massacre example: *“No, we lost our hopes. It's because there's no state... If we had a state, those bones would've been given long ago...Like in Roboski, it murders people. The day before a man was acquitted. Murdered thirty four people, how could be acquitted? It means the state is theirs something. The state is their accomplice.”* İrfan Bey's sister Gülsima Hanım shares with us her mother's perception of the state, also shared by most of the Kurds: *“My mother said: ‘The state of the Turk did nothing. I would take my son's photo to the party of Kurds and tell my problem*

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<sup>369</sup> See: [http://www.ozgur-gundem.com/?haberID=81767&haberBaslik=Bitlis%27te%20mezarl%C4%B1%C4%9Fa%20sald%C4%B1r%C4%B1%2&action=haber\\_detay&module=nuce](http://www.ozgur-gundem.com/?haberID=81767&haberBaslik=Bitlis%27te%20mezarl%C4%B1%C4%9Fa%20sald%C4%B1r%C4%B1%2&action=haber_detay&module=nuce); [http://www.ozgur-gundem.com/?haberID=83007&haberBaslik=Mezarl%C4%B1k%20sald%C4%B1r%C4%B1s%C4%B1na%20obir%20tepkiside%20Bulan%C4%B1k%20ve%20Mardin%27den&action=haber\\_detay&module=nuce](http://www.ozgur-gundem.com/?haberID=83007&haberBaslik=Mezarl%C4%B1k%20sald%C4%B1r%C4%B1s%C4%B1na%20obir%20tepkiside%20Bulan%C4%B1k%20ve%20Mardin%27den&action=haber_detay&module=nuce) [Retrieved: 5 December 2014].

*to them. Turkish state did nothing for me.”* As we mentioned before, herself she tells us: *“I want nothing from the state...If it is our state then give us my brother’s bones.”*

Ayşe Hanım, whom we met in Hakkari, shares Gülsima Hanım’s mother’s views: *“What I’m going to say is this: nobody did anything for me...Did they ask how we were?”*<sup>370</sup> Ayşe Hanım’s son, Kamil Bey, says that this state of demandlessness is widespread among Kurds: *“There’s nothing that I want from the state. As for the state part, my hopes are lost...I have no expectations from the state left...Hearts of all Kurds are broken. Kurds have no hope left.”*

In Şırnak, Ramazan Bey explains how demanding is correlated with hoping: *“Personally I don’t want anything from the state. Just to bring murderers to justice. Stop protecting them. Then we shall trust it. However, I don’t believe they’ll do it.”* Ramazan Bey’s nephew, Ahmet Bey expresses similar views, also with reference to Roboski:

*Seriously, what should I expect from the state?...I mean, I don’t expect anything from the state, even if I do, it is useless...So help me God, we’re not awaiting justice from the state, because there’s none, even if we wait there’ll be none... When you look at it now, we had seven people, right? Roboski, thirty four. The one who gave orders is known, but he does not claim responsibility. Will they explain our case?*

Ramazan Bey’s brother, Yusuf Bey says that it is *no longer* possible to expect anything from the state:

*We have no expectations from the state...I mean we used to have. The state, at least, the state, that so many people were taken from us, not for once, with none of the problems, MPs, police, governor, district governor did nothing about anything, said nothing, so of course people are offended. It upsets us. To be frank, we don’t have this expectation anyway. Because they did it themselves, so why would they talk to us?*

In Istanbul we spoke to Nurcan Hanım, Batman native, who attributes her state of demandlessness to both the time that passed and her distrust in the

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<sup>370</sup> When Ayşe Hanım said “nobody” we realized that she meant not only the state: “Just for once, nobody asked about us, neither from the party, nor from another place. They didn’t say ‘What happened to you, were you alive or dead? Everyone went home.’” On the other hand, Ayşe Hanım is the only one among interviewees, who reproaches the “party.” Generally speaking, interviewees demonstrated trust in and commitment to the party, especially the movement and Abdullah Öcalan, but not without some criticism. In the next chapter we will give voice to such opinions.

state. On the other hand, toward the end of the conversation, while listing some demands from the state, she feels the need to object to what is said for Abdullah Öcalan. She believes that the state will not take any steps to meet their demands without the pressure of the Kurdish movement. This opinion also shows us where those ‘not believing in justice’ resort to:

*I have not a single expectation. Until now, after twenty or more years, they'll bring it up newly? We already live in such injustice that the state, anyway, those were state's men who did all those things. Statesmen, so the state will come forward and bring in their own men?...The state must finally stop such things. Why they did it, I mean everything must be investigated. They must help those families. They must give monetary and moral support. I don't know, have them ask: 'what have you been through, they made you suffer so much, what kind of life you have had?' Have them ask us, let's see...They call others baby killer, they call Apo the baby killer. Well then, whom are they killer of?... Rather than the state I trust them [the Kurdish movement] more. Without them the state cannot do anything. We did this, so and so, I mean they won't clear their conscience themselves. Somebody has to demand it.*

Sinem Hanım, whom we interviewed in Van, expresses similar reproach in one sentence: “I want nothing from the state, we have nothing to do with the state.” In Şırnak, Davut Bey's state of demandlessness also stems from the sense of injustice and insecurity:

*The state says: 'I didn't do this, the PKK did.' The state doesn't acknowledge it. So help me God, if it could be possible, the state would drown us in a glass of water. Having Kurdish identity is enough for the state to kill us...I did nothing to the state, but they came and massacred my family. I have no expectations.*

Abdüselam Bey interviewed in Mardin, holds the state responsible for his son's murder and for the fact that justice has not yet been done. For him addressing the state for any kind of request equals degrading oneself:

*We have no expectations. We don't tell the state how to act. Neither will we degrade ourselves before it. We, like any nation, as a Kurdish nation we claim our rights, demand justice. We do our best for our unity. You see, our meetings, marches, demand for our rights, we do them all. We have no hope and no expectation from the state.*

We cannot say that most of the interviewees despair of the state as much as Abdüselam Bey does, but this attitude of turning one's back that we call the

state of demandlessness did surface in some interviews we did with those who have such concrete demands as the exposal and/or acknowledgement of truths, material reparation and apology. It seems that the injustice clearly seen in the Roboski massacre and in the official statements concerning the massacre have also consolidated this state of demandlessness, let aside the lack of significant progress in the quest for justice with regards to the murders and forced disappearances in the 90s. Interviewees who do not address the state in their quest for justice and do not see the law as an instrument of this quest, understandably do not consider themselves citizens of the state. In the case that perpetrators and those responsible are not prosecuted, truths are not revealed or acknowledged, unavoidably guilt becomes collective. In other words, it is no longer only the state, but also Turks are the ones whom Kurds turn their back on. Dysfunctional implementation of mechanisms of retributive justice renders restorative justice meaningless. Nevertheless, on-going negotiations between the state and Abdullah Öcalan's persistence in peace that is shared by many Kurds, seem to slow down or stop, for now, political rupture between the Kurds and the Turks. Clearly, the final situation depends on the outcome of the negotiations and the conditions of peace agreement. In the next chapter we will discuss measures that could prevent this emotional rupture by referring to our interviewees' notions of forgiveness and *helalleşme*. General evaluation of the interviews again will be presented at the end of the chapter.

## *Chapter 6* **Rethinking Justice: “Turks as Sisters/Brothers”**

Mechanisms of criminal and restorative justice such as prosecution and punishment of the criminals, disclosure and acknowledgement of truths, payment of material reparation to the victims, and apology to the victims come in late and with difficulty that paves the way for new injustices, making it hard with time for the victims to think of justice as a possibility. Or rather, it reinforces their view that justice does not exist “in this world,” and it will not visit “their homes.” It becomes inevitable for them to think that the injustice they experienced will not be compensated by state, law and politics, in brief, by earthly and inter-human relations in this world. In fact, the assumed link between punishment and delay of justice is also not the only reason. As a matter of fact, crimes committed against humanity and “radical evil” that arises from these crimes also pave the way for the idea that there is no “suitable” punishment for perpetrators and the responsible ones and that justice can only be postponed to the other world. The responses we got verified Arendt’s views mentioned in Chapter II: people cannot forgive what cannot be punished and cannot punish what cannot be forgiven. Particularly when perpetrators do not take the responsibility for their crimes or do not feel remorse, the only remaining consolation is not to forgive.

It is possible to say that many of our interviewees are able to continue their lives easier only due to belief that perpetrators and the ones responsible will be punished in the afterlife or that “the justice will prevail on the Judgment Day.” On the other hand, we should mention that for some of them, Kurdish political gains are part of justice process, that is, justice can be delivered in this world only if there is political freedom for Kurdish people, and especially when Abdullah Öcalan is released. Two strong tendencies that allow us to use exaggerated phrases such as “all to the good, there is God,” “all to the good, Öcalan is alive,” emerged of their own accord during interviews.

Besides the answers concerning the notion of forgiveness as we discussed in Chapter II, we will present the responses to the question about the notion of “giving one’s blessings” in the context of vexation/resentment and political friendship, taking into account the idea that in Islam “to give blessings” can be an equivalent to forgiveness and Abdullah Öcalan’s call to “give bless-

ings” during Newruz 2013.<sup>371</sup> Nurcan Baysal describes the impact of Abdullah Öcalan’s call in Diyarbakır:

*While the media in the West of Turkey broadcasted as “festivity in Diyarbakır,” actually in most of the households, along poised expectancy, there was confusion, sorrow, and disappointment. On the one hand, people tried to embrace the hope for no more killings in the future, and on the other hand, they went on living with the burden of the past present in the streets of Diyarbakır. It is not at all easy to remove that burden. How would we forget my God, how! Maybe the real fight was starting then. Fighting with the obligation to forget! We could only fight this by coming to terms with the past, facing the past. Not by giving our blessings mutually. We could not give blessings in the name of those killed, missing children, un-lived childhoods. There was need for accountability. Accountability was also needed so that those things don’t happen again. Accountability was needed to build the future.<sup>372</sup>*

The war starting now, that Baykal refers to, seems dreadfully valid for the victims. One of things that will ease this war is having the perpetrators and the ones responsible stand trial, of course. On the other hand, we will present here how the possibility for victims to confront perpetrators and the ones responsible, which cannot take place in the courtroom, the space of retributive justice mechanism and considered as an element of restorative justice mechanism is evaluated. This possibility also gives important clues as to the truths that victims want to learn.

### ***A possibility for confrontation, forgiveness, giving blessings***

Thirty one out of forty nine interviewees, whom we were able to talk to about possibility of a confrontation with perpetrators and the ones responsible, responded positively to this possibility; they had questions to perpetrators and the responsible ones. As a matter of fact, even the ones who do not want to confront the perpetrators and the responsible ones, in a way, shared with us questions they would like to ask them.

Three of our interviewees faced the perpetrators and the ones responsible during court trials. They told about the impact those encounters, which could

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<sup>371</sup> Here is an excerpt from Abdullah Öcalan’s letter read during Diyarbakır Newruz celebrations in 2013: “Time is not for discords, conflict, to despise each other, but time is for concord, unity, embrace and giving blessings mutually.” See <http://www.bianet.org/bianet/siyaset/145269-silahli-gucler-sinirdisina-artik-siyaset-donemi> [15th April 2014].

<sup>372</sup> Baysal, 2014, 302.

not transform into confrontation, had on them. Aysel Hanım whom we met in Muş told us:

*Before the trial it was kind of easy, but when I went there, when I saw them I was shocked... I saw them for the first time, well even if I had seen them I did not know them, I got to know them there... I came face to face with him and I attacked him... Especially when I saw that thing, well I did not see him [perpetrator], I was telling 'what will I do when I see him?'... After all I will see him with the help of God, I will see him in this hearing... I have imagined him for 1,5 months, what will I do when I see him? ... I want to do many things, but for the trial, I do not know, it is not wise to let some things out there.*

She tells about the confrontation in her imagination:

*Which question I would ask, what would he tell me? Why did he kill my family?... He would say 'I did not want to do, it wasn't that house'... Sometimes as if he laughed at me, he would show me his dark side again. You know, he would say those good things to me, well, I would want to attack him. Well, he would tell me 'I did not want to kill those children'... I could not believe that. 'It's because you burnt, they were shouting there, they were not unconscious in that room.' I say.... I do not know, I can only imagine, did he go inside before setting fire? I am thinking about that a lot. I think of asking him 'I wonder, did you go inside or not?'... I say if he goes inside, when he sees them, I mean how did you massacre them? When he sees them, maybe, I wonder, did he go inside or not?*

As though she wants to hear from the perpetrator that he did not commit the crime intentionally and willingly, that he did not look at the victims when burning them; she wants to tell that the course of forgiving depends on replies of the perpetrator and their attitude. She explains difficulty of forgiveness by difficulty of losing her siblings, she often pauses, cries from time to time. She tells there is never a possibility for giving blessings:

*I do not know, I do not expect from myself. I do not know. You know what, my siblings, in fact I fed them, I mean I looked after them all. I was the mother for them, my mother was sick all the time... I was looking after them all the time. Even after I got married, I was going there... I did not want to leave them behind. They were so young, my youngest sibling was only two years old. We did not have the heart to kiss him. After my mother's death he was apple of our eyes. Whatever happens I will not give my blessings to them. I hope my God will make them suffer the same kind of pain. I do not want his children to suffer the same pain, I want that person. Only those people.*

When we met Ekrem Bey for the first time in Muş, he was referring to the perpetrator that Aysel Hanım told about by saying “you cannot even make yourself accept to go and face that person...” After he testified as a witness in the court trial that Aysel Hanım was waiting for, after seeing the perpetrator, we met him again, this time in Istanbul. Ekrem Bey described the moment he came face to face with the perpetrator instead of his feelings: “*He looked at me turning his head, he looked as if I was remaining part of the person he murdered, as a leftover.*” What he told us confirmed Arendt’s saying that it was meaningless to forgive the perpetrators and the ones responsible who do not confess their crimes, do not express their remorse or present any gestures that show their regret: “*If he can forgive himself, ‘I made a mistake, here I made those mistakes.’ If he can forgive himself, he can be in the position to ask forgiveness from me.*”

İrfan Bey, interviewed in Hakkari, had met the perpetrators in the court trial. He shared the questions that he was not able to ask, rather than his feelings:

*Anyway, what we feel? We say that we just want their bones. Okay, you had killed them, but give us their bones... We will exactly say that [he] was my brother, why did you kill him? Which crime did he commit? Whom did he kill?’ ... We cannot let them [perpetrators] to relieve that burden. It cannot happen... Even if he gets orders, why does a human kill 15 year old, 13 year old humans? What did my 18 year old sibling do, so that they executed them? How can we forgive? ... We cannot forgive. We cannot forgive that kind of enemy. It’s because they are enemies. Even if they are good people, today they are big enemies for us. Now I cannot say in my whole life that Turkey is a brother to me. They are my main enemies. Look, if I go to the Parliament one day, I mean, or to the world, I will say they are my enemies... I lost my mother, I lost my father, I lost my brother. It is very hard thing... Why did they do that? ... Where their bones are, at least they should give us their bones. We want their bones.*

### **“Would you forgive if you were me?”**

Yeter Hanım, whom we interviewed in Bitlis, says that she will not forgive her enemies just like İrfan Bey, and she addressed our question to us: “*I would have liked to know my enemy... I was going to say ‘why did you kill them for nothing?’... If they take my husband from home and kill him, how can somebody forgive this? Would you forgive if you were me?*” Even if we had asked this question to ourselves before, we were caught unprepared. We were only able to give an answer meaning like “Of course, the one experienced knows that, you are right.”

Hevehan Hanım, whom we met in Hakkari, was not forgiving “the state” not just because of the murder of her son but also because funeral and condolence ceremonies were not observed: *“I swear to God, I do not forgive. How can I forgive? The government killed him. They did not even let us bury him. We had to bury him secretly.”*

We interviewed Şengül Hanım in Van. After telling us her questions that she want to ask the perpetrators, one after another, she said that she would not forgive the perpetrators as she thought forgiving would lead to impunity:

*I mean why? Why? What is the reason? Why did you do this to these people? What were the crimes of these people? Why? They should give an explanation at least. Even if the state forgives them, I would not forgive them. I would never forgive them, my heart does not forgive them. My brother would not forgive, his wife would not forgive, because we experienced all the sufferings.*

Nurcan Hanım from Batman, whom we interviewed in Istanbul, also says that she would not forgive the perpetrators, however she has some questions to the perpetrators and her first question is the same as the others’:

*I was going to say, “Why did you do this? Why did you burn all those people? All these children are orphans. Well, what did you gain from this? “... ‘You got that order, well then, did you make an investigation about those people? Why?’ Only by getting orders, you know they only say ‘we are yes-men’, but a person would make an inquiry. Well, what is that with hurting people?... You come here, but you do not know what is behind. What he leaves behind. What scars are here... There is no compensation for this, is there? Certainly I do not forgive... I will not give my blessings.*

Ferya Hanım, whom we interviewed in Diyarbakır, wants to ask perpetrators and the ones responsible similar questions as Nurcan Hanım; she says “there is no question of forgiving:”

*First of all I would ask ‘why.’ It’s because if they put themselves in the shoes of all these people they killed. They had their own lives as well. They had families. In the end very probably the perpetrators have families; I think if they had had a bit of conscious, mercy, they would not have done that... ‘Why?’ ‘What did we do?’ Our crime is to want our language, our culture? ... There is no question of forgiving. Even if I forgive, holy God would not forgive... I do not forgive. If I say I forgive, I tell a lie. I do not give my blessings. Because to experience all the things we have been through last twenty years is very different.*

Zindan Hanım, interviewed in Mardin, thinks that there is a distinction between forgiving and giving blessings; unforgiving will be equivalent to punishments in this world. She has questions to the perpetrators:

*Well, I will stand in front of them and I will ask them 'how did you dare to kill my father like that?' ... 'why did you do something like this? Isn't it a sin, you left all those kids orphan, all these families orphan.' ... No, I do not forgive. But I can give my blessings, because there is the other world. In the end, I mean, there is God, I cannot do that kind of a thing. I cannot bear that sin, I can give my blessings, but I would never forgive.*

Zindan Hanım's older sister, Mizgin Hanım's questions seem also like soul searching as many others'; however, she does not make similar distinction between forgiving and giving blessings like her sister:

*Then I refer them to God's punishment. Forgiving is up to God. What matters whether I forgive or not... I say 'My soul is burning inside out. I want my father's due from you.'... I tell 'I do not forgive,' 'how did you take my father away,?' I will tell to their face, 'if they take your father now, if he is missing for nineteen years, if your children were in our shoes, would you not grieve?' For example how is our father? Did they bury him? ... I do not give my blessings... In this world or in the afterlife at all.*

Yıldız Hanım, whom we interviewed in Van, does not have anything to tell the perpetrators. Like Zindan Hanım, she thinks there is a distinction between forgiving and giving blessings and even if she does not explicitly say it, she implies that she would decide "at that time" whether to forgive or not i.e. when the perpetrators are found and stand trial:

*I will not say anything. Whatever I tell, they are gone, all that happened ... What are the words for? Now they are all gone... I swear to God I will not give my blessings... Why did he kill? What had he done? ... I swear to God, I do not know. Maybe I say 'I give my blessings.' If he says 'he was killed twenty years ago, give your blessings'... I say I would not give my blessings even if I forgive... God knows, maybe we forgive as well... I do not know anything right now.*

Even if Mukaddes Hanım, whom we interviewed in Muş, told us that she would not like to meet the perpetrators, when she was articulating her thoughts, she changed her mind. However, she thinks the perpetrators cannot be forgiven:

A person would not even want to see... I would not want ever in my life...

There could be many things you want to tell, but actually you would not like to tell in that moment. It's because the pain grows... I wish he could have heard me, I mean, I would really like to see that person who made this happen. Well, who ordered this? Why? What were their crimes? Why did you do that? Of course a person would like to get those answers. But after you get those answers, then there is another point, whether it is true or not. It's because, in the end, when they change the location of the court trial from here [to another province] regarding their own life safety, how will those people tell the truth? ... In my opinion they cannot be forgiven.

Azize Hanım, interviewed in Şırnak, also tells that she will never forgive the perpetrators. She says she nevertheless would like to see the perpetrators and that it is her most important demand:

*Well, what will I say, 'What was your right to do this? Why did you [kill] all those young people, children, 8 days old baby, I wonder why? What did they do to you? Why? I mean what kind of a problem he had with us?' ... Well, when I sit down, I imagine. I wish I would see him and ask, 'why, what for?' ... They should bring him here, we should meet face to face, that's it.*

Mukaddes Hanım's mother Cemile Hanım wants to ask similar questions to the perpetrators. Considering the pain and injustice they have been through, she says it is impossible to forgive and remorse is useless:

*My children experienced a lot of suffering, I cannot forgive because of this... Does anything become alright by regret? What is the remorse after twenty years? We suffered a lot, they should suffer as well... A human would not do that... What should I say when I come face to face with them? Will I tell them what my crime, my fault was? Why did you take us, why did you do this to us? What did you see in us? ... I look at my misery, I recall all the insults, I look at my innocence, we did not do anything wrong, so a human would not do that... It cannot be forgiven... May God not leave our right with them. We look forward to that, we want that. May God take our due from them. May God not forgive, even if we forgive.*

Hediye Hanım, whom we interviewed in Şırnak, also tells that remorse is no good; however her questions remain:

*I will only ask that. I will ask 'why did you do like that that night? What was your problem? What was your problem so that you did like that?' They should talk to me a bit. I talk with them as well... I will not forgive. I swear to God*

*that I am complainant... If I forgive, it will bother me. They should get their punishment, nothing else... If they say that 'we feel remorse', it does not matter. Will my suffering end, if they say 'I feel remorse'? No, I will even be worse.*

Ayşe Hanım interviewed in Hakkari, does not want to see the perpetrators and the ones responsible ever, she will never forgive them in any case: *"What will I do when I see them? I leave them to God's punishment... Even if they feel remorse a lot, I do not forgive them. How can someone forgive a person that killed their most precious?"*

We interviewed Hakan Bey, who had witnessed his father's murder, in Diyarbakır. He also says that he does not want to ever see the perpetrators and he will not forgive them:

*I would not like to face them ever... I even developed grudge against them, because what they did was brutality, nothing else... I mean I do not see any human in those people... Well, I do not know, but I do not see any humanity in those people... I do not forgive. I also do not believe that they are yes-men, they are not children... I would never give my blessings.*

Yasemin Hanım, whom we interviewed in Mardin, thinks very similarly to Hakan Bey; she even has a stronger stance:

*What will I talk about with a damned person? What will I say? Now put yourself in my shoes. What would I say? 'Why did you shoot?' Uh, you already shot him. 'What did he do to you?' Uh, I already knew that. What can I tell? What should I ask him? I would not talk with that kind of a person, it is better at least I do not dirty my tongue... I would never forgive. No, never ever, I do not forgive at all.*

Züleyha Hanım, whom we interviewed in Hakkari, does not have anything to tell the perpetrators, she does not have any grace to bestow on them: *"A person will come together with her killer! What will she say when they come together? ... What would I ask him? I know that he killed my husband, what will I ask? ... I swear to God, I do not forgive them... Who has forgiven their enemies, so I forgive mine?"*

The people who do not want to confront with the perpetrators and the ones responsible seem to confirm what Arendt said that this kind of a confrontation could only happen on the Judgment Day. They see the perpetrators and the ones responsible as the damned, even as inhuman or enemies; there is no way for them to come back to humanity.

**“If they say ‘... uncle we feel remorse, we take refuge in you’...”**

Some of the interviewees, who want to face the perpetrators and the ones responsible, think that the perpetrator, who suffers, feels remorse and appeals for mercy, acts like a human once again, so he is not unforgivable any more. Even Davut Bey whom we interviewed in Şırnak confirms that “it is from those who have suffered sentence of history ... that we learn our most enduring lessons for living and thinking.”<sup>373</sup> Davut Bey tells that he would forgive the perpetrators if they express their remorse; he underlines the earthly nature of forgiveness:

*May God take our due from them. The revenge and punishment that I would get is nothing. I left the rest to God... May God give them a punishment of his own, so that they live the rest of their lives in misery. I left their punishment to God... I take refuge in God... My life went upside down... I looked after my two daughters-in-law and my little daughter for twenty two years. I have been living without my wife and children. What a person living like that could feel... I could have looked at their faces. I wonder how they behaved so much like a ... What can I say to them anyway? I say only one thing, may God take our due from them... If they come and tell ‘uncle we feel remorse, we take refuge in you’, I will tell them ‘May God forgive you.; ... They should come and tell ‘we feel remorse’, they should say that ‘they repent.’ I will tell them ‘if God forgives you I will also forgive you.’ If they came to my house, and tell that they feel remorse, I would forgive them... It is not important that human beings forgive, it is important that God forgives. Forgiveness is unique to God, but if they seek refuge in my house, if they feel remorse, I would personally forgive them, and leave the rest to God.*

Şükriye Hanım, whom we interviewed in Mardin, also wants to talk with the perpetrators; like Davut Bey, she says that she can forgive them if they express remorse, but she would not give her blessings; she exposes earthly and humane dimension of forgiveness:

*I say, I would talk to him. What was their problem with my child? ‘What was your problem so that you did that to my child? ... I made him get educated against all difficulties... You killed him just like that... Talk also. What was your problem? ... If you had talked with him [my child]... If you had talked it would be better. Cruelty, cruelty, cruelty is no good.’ ... Me, him, we would make peace... If he says that ‘I feel remorse.’ I have already a grudge against*

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373 Bhabha, 2001, 172.

*him, I am saddened... If he will not kill the children of this nation for the sake of God, if he has remorse, if he repents, if he says that 'somebody taught me, somebody told me, I did it. I repent. I will never kill anyone's children.' We will say enough then... I do not want anyone to experience that [their children's deaths]... If the state acts good I would say nothing, would I? ... What I feel inside is different, I swear to God my heart would not find peace.*

Yusuf Bey, interviewed in Hakkari, seems to be ready to forgive the perpetrators if they feel remorse; he thinks that forgiving means "acting nobly":

*I am wondering [about the perpetrators] but I do not know if I would like to see them... Perhaps I would not like... It depends on my mood then, I do not know. I mean, I did not think what it would happen if I meet them one day... I know that kind of a thing is impossible... [if they come to tell that they have remorse and apologize] I would forgive... I mean in my opinion something should have happened, you know he must have come to his senses. I cannot [ignore] the person... They should have learnt [that] they made us suffer a lot. We had to be the ones forgiving. It is acting nobly. I suppose they understand that... No political message, political message would never end. I would only give a humane message.*

Eşref Bey from Van, whom we interviewed in Istanbul, thinks that forgiveness is not just a humane but also a political message; he would forgive the perpetrators and the ones responsible, but not as an act of amnesty:

*You say that that person does not have any relation with humanity and society. In the end it is like that. As I said, only if he can transform from that point, then 'I made a mistake, I did this and that, wrong things, peculiar conditions were those, whatever you call it, but I am here again facing you today' ... We would forgive him, if he is sincere... Amnesty is a different issue... These are crimes against humanity... This has a political and social message. It is also about the society we live in. It has both feudal and political infrastructure. Well, your forgiving side always comes to the fore... If he is captured and brought before me, I would forgive him then... It is a mutual gesture... I mean it is a sincerity test. That is why we say that, "who is behind it, if it goes as far as to prime minister or president, then you should show that sincerity... I say "look, you massacred as much, you killed many people, look I am superior than you, I am more dignified, I am more proud. Yes, you stole a life from me, but your life is ruined. It's because this black mark will stay on you for the rest of your life.*

The older brother of Nurcan Hanım, İdris Bey is one of few interviewees who want to confront the perpetrators and the responsible ones, and who would forgive them without hesitation:

*I would ask only this: 'How did you leave this many people, this many families without anyone to read Qur'an? How did you orphan the family?' of course I ask these questions... I would ask 'why did you do?' to get informed of course. This is my natural right... After they did that cruelty how wouldn't I forgive? They lost their human feeling, should I also be like them? ... After they come and apologize all my siblings and my family, of course in my opinion, if they also accept, of course I will also accept.*

Özkan Bey, whom we interviewed in Diyarbakır, also adds forgiveness to our conversation about giving one's blessings and he tells that it is impossible to forgive the perpetrators without believing in their repentance:

*I would never give my blessings... I won't give my blessings... If it had happened in front of your eyes, you would not have told that... A person needs to put themselves into others' shoes. First of all this person should come, they should tell 'I am very remorseful, I mean, there was an order for what I did it.' It depends on that very situation... I mean, in my opinion, I cannot tell about it right now. But I would assess according to his state of mind at that moment, whether he is really remorseful or he is just saying it... I want to see that of course... I would like to tell a few words looking directly in his eyes... 'What would you do if your family and children were in this kind of a situation', I would only ask this question and I would like to get an answer... I mean 'did you do this with your own initiative or did you get an order from the state?' ...They should admit themselves, 'I did it, I feel remorse.' Alright? 'I wish I had not done that, I suffer a pang of conscience now.' I should understand that when I look at their eyes... When I look into his eyes I need to understand it... If I see that for real, if I see remorse in his eyes, and if he had done that in that state of mind. If he becomes human, he will be forgiven. But I cannot forgive right now. Because you cannot forgive when you recall the event that happened before your eyes.*

Mehdi Bey, whom we interviewed in Batman, says that he has many questions to the perpetrators, especially to the ones he identifies as collaborators. He thinks that forgiveness depends on the perpetrator's "attitude" as well as the decision of the family:

*I mean, it should not be misunderstood as racism, but there may be fights in a country, groups make war, you shoot, you get shot, that is war but what I*

*cannot ever tolerate, accept, and I do not want to see, but what I have been through, is the killing of a Kurd by another Kurd. I would tell him that what he did is shameful and that there was nothing acceptable in what he did... There is our family council that can forgive him. There are seven of my sisters in the family council. In addition there are my four brothers... If I forgive as me, Mehdi, I mean, how he behaves and how he lives is important for forgiveness. Where does he stand? How does he stand? ... Now that is not just my own problem, it is a social problem. Now thinking that he will be forgiven, I mean it is painful... I swear to God, it is very hard to grow up without a father. I mean, in fact, it is hard to overcome the racism within oneself, that beast inside. Every person has a beast inside. Well, you feel it constantly, I feel it constantly. I mean those optimistic and pessimistic sides are fighting each other, they quarrel. It's because if you do not forgive, if you exercise your own law, there would be no difference between you and them. Uh, you say there should not be impunity, now which law are you going to rely upon? ... Now they ask about death penalty, but maybe this person is also a father. As I told you, the optimistic and pessimistic sides are in conflict.*

Sabiha Hanım, whom we interviewed in Batman, wants to ask questions of conscience to the perpetrators who killed her father and by doing that, she wants them to empathize with the pain they have been living with. She says that remorse would be a heart-warming gesture for her even if it did not end with forgiveness:

*What kind of a wealth he did this for, I imagine it is for wealth, but how did he kill without pity, how can a person be so cruel to kill someone without pity? First of all I ask 'how can you do something like that?' ... 'When you did something like this, didn't you have any fear, conscience, mercy so that you did something like this?' I would ask this for sure... I would not give my blessings for sure... I would like to affect those people. All the problems and pains I or we had been through, I mean, we still feel [his] deficiency... We lost him. I mean, his departure, I would like him to feel all that pain we suffered after his death... Well, unforgiving is also important religiously, but, as the most important, I would like to reflect our loss upon him... Maybe he feels lowly, he feels remorseful, but I would like him to confess what he did. If I see him feeling remorse, if I see that he is really remorseful, maybe I feel something in my heart.*

Yusuf Bey, whom we interviewed in Şırnak, has questions to the perpetrators and the responsible ones. Even if he thinks he would not forgive them, he rightly reminds that nobody asked forgiveness from them:

*Were we terrorists? Did we have guns in our hands? What had we done, so that, how dare, they hit citizens with mortar shells when we were hiding in the cellar? ... I mean why did they do that? What was our crime? ... Well, forgiving is a nice thing, but after that long time, you know it was 1992 then, now it is 2014. As such a long time has passed, how will we forgive those people who never showed any interest of asking for forgiveness ever after? ... 'We did it' or 'forgive us' or something like that, we never heard from anyone... If I hear, I would refer him to God or as we say 'God is merciful'... I swear to God I do not think that I can forgive them.*

Nihat Bey, whom we interviewed in Bitlis, has questions mostly addressed to the top political responsible persons, but he also says that he is curious about the feeling that led the perpetrators to commit these crimes. Nevertheless, he reminds us that it is not always correct to assume a relation between forgiving on the one hand and hearing the justifications and learning the truth on the other. He draws attention to the social dimension of decision of forgiving and he tells why he will not forgive:

*Now, well let's take gos, think about the point the process has reached. I mean, what was the point for this many murders by unknown perpetrators and deaths of all those people? No human would avoid asking about that... I mean I am asking myself and also them. Both in those days and nowadays. Was there really a necessity, was there a need for killing of this many people... This people did not ever deserve all that. Ever and never deserved all that, I mean, like any other nations. As I mentioned, if I see them, the first words I will tell them conscientiously and humanly will be 'Why?' 'What for?' ... 'Whom did you get the order from?' ... Now there are just so many people, there are just so many families, we are one of those families, they should decide [about forgiveness], me, together with them... of course it is acting nobly in the end, but I would not [forgive] in order not to let it happen again and have it well written in history... I would actually like to hear from them, [what's] about going to the region and burning people alive, and shooting them all without any investigation. What they did they feel when they were doing all these... What is the concept that makes you wilder, makes you more savage, leaving humanity?*

Ramazan Bey, the older brother of Yusuf Bey, says he does not want to meet the perpetrators. And he awaits a gesture of remorse from the state. On the other hand, when he explains why he would not forgive, he also says that not forgiving does not only mean not forgetting but also means not letting to forget:

*In the end there is the state that ordered all these murders. It does not change anything to confront them... A person can feel remorse, he understands the mistake he made. However, the people who did all these would not even know us. That's why it [forgiving them] is not important. What is binding for us is the remorse of the state that made them to do what they did... They did not just kill. Gone are already gone. How can we forgive the cruelty they imposed on the surviving ones? It cannot be forgiven. They both murdered our family and also they persecuted us every day to make us forget all the atrocities and give up our cause. Forgiving means forgetting all these for me... [Not to forgive] means not to forget all those sufferings for Kurdish people, and for Turkish people it means to see and share the pain we lived through.*

Edip Bey, whom we interviewed in Van, wants to ask the question “why?”; and he thinks that forgiveness would mean not protecting the rights of the victims:

*What would I say if I see him facing me? What can I say? I mean it has already happened... ‘Why did you do that? What for did you do that? Did my father harm you?’ ... If you forgive or not, that person will not come back to life, but there is also the other thing. If I forgive, as if nothing happened, of course forgiving is peculiar to God, but I would be unfaithful to the memories of murdered people.*

Necmettin Bey, interviewed in Bitlis, says he wants to confront the then prime minister, not the perpetrators. As he thinks about the victory effect of forgiveness on perpetrators, he says that he cannot forgive them on behalf of his brother, and that only the family of his brother can make that decision:

*I would like to see the then prime minister, Tansu Çiller... What would I like to say? ... “You murdered that many people, don't you have guilty conscience?” ... Well, may God punish them, what I can say... I mean forgiveness, according to my culture, if he comes, faces me, he says ‘I did this and that forgive me,’ makes a request, and if I forgive him; I would not forgive him as I think he would take it as a victory... Then he would tell that, “I killed that many Kurds, I killed that many people, that Kurds are inferior... I offered an apology, they forgave.’ ... All these people perished. There cannot be any apology, forgiveness on behalf of them. I mean it is necessary that his children and family should forgive first.*

Adem Bey whom we interviewed in Hakkari, has many questions and he wants to confront perpetrators; but he does not accept forgiveness as he thinks it will escalate his pain and it will bring relief to perpetrators:

*... I would like to see who made all these happen to us... I would only say, 'haven't you ever thought about the suffering that all these families will experience, what kind of a pain they will suffer? What kind of pain you will lead to? Didn't you ever think that they have very young children, they have mothers and fathers, they have their husbands and wives? You kill a human being. But don't you think about the ones remaining?' I would have asked all these for instance. I would try to understand why they did it. I would like to ask 'why did you do it?'... 'You must have been also full of grudge and hatred against Kurds,' I would say, 'If you hadn't been full of grudge and hatred against Kurds,' 'they were also humans in the end.' ... I do not give my blessings. I say may God punish them... If I forgive, the pain I have may not fade away. In the end they made us suffer a lot, if I forgive, my pain would not be eased... 'I do not forgive you... There is nothing I can do... I cannot do anything about it, but may God punish you as he wishes in this world and in the other world.' ... They already did what they could do... Nothing would change if I forgave them. The pang of conscience he is probably suffering from would fade away if I forgive. He would think that 'I went to his family, they forgave me.' But as the suffering I am feeling would not sooth, his should not sooth either. May it not sooth, I mean.*

***"If our President also comes to the table..."***

Those who approach the matter of forgiveness from political perspective seem close to the idea of forgiveness which bears resemblance with what we have called "political forgiveness," depending on the call of Kurdish political movement and Abdullah Öcalan, a call that will take place when Kurdish struggle for rights is satisfied in a favourable degree. It is feasible to say that even those who do not approve of local policies, employment and staffing choices of Kurdish political movement, who because of that even criticize the Party, seem to have unshakable trust in and commitment to the Movement and Abdullah Öcalan. Nimet Bey, whom we interviewed in Diyarbakır, although critical of the Party for its local authorities' insufficient attention given to transformation of the spaces, where crimes against humanity were committed, into public spaces of collective memory i.e. what we have called "memorialisation," he does express his belief in the Movement and Abdullah Öcalan in the matters of peace and forgiveness.<sup>374</sup> He stands against the

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<sup>374</sup> Later in an interview on the phone we came to know that place of his father's murder had not yet been turned into a cultural centre named after him, however, in front of that place a commemoration was held on the anniversary of his father's murder, which pleased him a lot.

idea of giving one's blessings, which he differentiates from the will to forgive and assigns political character to the act of forgiving, associating it with disclosure/acknowledgment of truth and prosecution of perpetrators and the responsible ones. He wishes to ask perpetrators and the responsible ones the same questions as other interviewees:

*We will say: 'What's the crime of this person? Why did you shoot, why did you kill?'... It's a bit hard to forgive....Well, to forgive is a bit, you know, if I forgive those people who burnt my father alive, but we Kurds are scrupulous. It's not certain also. I'm saying we are not heartless like them. We really don't want anybody to die... this is a different matter. I can't give my blessings to anybody. Who wronged us, let them be damned by God... Now, when you say forgiveness, you mean you're giving up on everything. From then on you stay with your own pain, when you forgive them. You are pardoning, that's what it means, but the word forgiveness is a little bit too serious. I don't know how its psychological dimension will be. Seriously, we were put through a lot of suffering. Let them appeal to their own conscience. Have them say 'Really, we wronged you, we did this and that. We are slaves of the order...' Bring the ones who are slaves of the order and prosecute them, then bring their superiors. That's when I forgive... The President of our Kurdish people sees and shares the pain of his people. We believe that he will push them [the state] through the best way... The elders of our Movement, Movement's leaders, they know what's best. They certainly can very well consider what the Kurds have lost and what they should gain.*

Nimet Bey's mother Nesima Hanım disagrees with her son and she says she will not be able to forgive perpetrators as she thinks that forgiveness would mean impunity. Nonetheless, she also seems close to the idea of political forgiveness. If peace is brought about and Abdullah Öcalan released, except for perpetrators, she says, she would give her blessings to everyone:

*I don't want them to confront me. I want them to be punished... They oppressed us so much... They killed my husband, set him on fire. If I saw them I wouldn't be able to express my grievances. I can't tell them anything... Only God may give remedy to us... Seriously, we won't forgive... May God take our due... If this war is over, prisons are open, Apo is released, I will give my blessings to everyone... Seriously I give my blessings from my heart, I also say it with words. If there's peace, prison gates are open, I will give my blessings to everyone... But I don't forgive those two, those who set the fire, I don't give my blessings to them.*

Gülsima Hanım, whom we interviewed in Hakkari, wants to confront perpetrators and the responsible ones to hear the truth she has already learned, this time from them, however, first she states that she will not forgive them, explaining her reasons:

*I wish I had seen. How they hurt our hearts. How they tore my mother's heart out... They shall come to see me and say 'yes, it's true, we took them to the battalion. We kept him for three days. The next day we killed him at the shooting range. Later we burnt him and dumped into a pit.' They shall come to face me and state this...To forgive? No... No. I will tell them: 'the day when you killed my brother, why didn't you forgive us? Well, I swear to God we are not forgiving you either. Go to your homes, me go to ours.'*

On the other hand, she forgave the soldier, who by his confession exposed perpetrators and the responsible ones. She also adds that she is concerned with safety of that soldier:

*Yes, we forgave.... He came and said: 'I have guilty conscience.' He was a soldier. Under orders. His service finished, went home, regretted and came back. He named all of them. He said 'it was this and that person.' We went to the court. They disappeared that soldier. Now we don't know, soldier, are you dead or alive? We don't know. We have no clue. We have no clue what happened to that soldier.*

Gülsima Hanım, as well as Nimet Bey and Nesima Hanım, seems to lean towards the notion of political forgiveness. Personally at heart, she says, she will not forgive, however she will accept forgiveness for the sake of political equality and peace. Instead of responding to our question about giving her blessings, she expressed her demands as political conditions:

*If our rights are granted, if there's freedom, if our President also comes to the table, one can give up on everything... Yes, that's when they will be forgiven. It is not just for me. There are many people who have been through this... If our President comes, sits together by the table with Erdoğan... I'll keep hidden what I have inside of me, as long as our President says that... Perhaps a day will come, they will say this is the killer of your brother. Perhaps my heart won't accept it. When I say let's pull the trigger, I'll say that our President have already forgiven, that there's no need for that gun anymore.*

Gülsima Hanım's thirteen years old daughter Filiz joins us towards the end of our conversation and shares her thoughts confirming her mother's words:

*I don't forgive, me, for example, what for will I forgive?... What for? For example, my granny would always go and ask for her child's bones. For instance, if they had granted one right, for example they imprisoned our President, what did they gain then?... If they, for instance, release our President, if we know that everyone will get their rights... For example, imprisoning someone's President and maybe killing him. Your heart doesn't allow you to forgive those people... First I'll say 'Release our President, give our rights.' Our martyrs didn't die for nothing. They died for a cause. Then let's forgive them... For example, if they had given my uncle's bones to my granny, something might have happened. Something inside my soul doesn't allow me to forgive them.*

Filiz's narrative confirms how feelings of vexation and resentment pass from one generation to another when perpetrators and the responsible ones are not prosecuted, truth is not acknowledged and political inequality underlying injustice is not eradicated.

Kamil Bey, whom we interviewed also in Hakkari, says that he does not wish to confront perpetrators and the responsible ones and that he personally will not forgive them. However, if there is Öcalan's declaration on this matter, he says, he will change his mind, though he has reservations with regard to local collaborators:

*I don't want. Though I have honour and conscience, my heart does not allow me, whoever says whatever... I cannot ever talk to them, whoever says whatever... I don't go where they are. I don't kill... but I don't forgive. Even if I'm buried, I won't forgive... It's because you don't know this wound, this pain... It shouldn't be forgotten. Why it shouldn't be forgotten? When I think of my mother's pain. Let's blow the brains out of the ones who killed my brother in front of their mothers. Would this mother forgive me?... Or would that brother forgive me? No, they wouldn't. I'm not saying this with feeling of revenge... If the President asks to forgive them, it will override me. I can't say more than that. We want the Movement to stand up such people. Local Kurdish collaborators who burnt houses, who brought pain into homes, must pay the price for it. If the Movement forgives these local collaborators, these dark forces, then we will forgive too... Me, in my heart I won't forgive... I know the pain in my heart, those who do not have a martyr in their family do not know my pain... Nevertheless I leave it to the Kurdish movement. My issue is not revenge...The President opened our eyes. We are here thanks to the President, Movement and Kurdish people. To say I don't forgive when the President, the Movement has forgiven is beyond me. I can't say such a thing. Like [my brother] there are*

*thousands who died for the Movement. When they say they forgive, we also will for the sake of, for the work of the President and the Movement.*

In Diyarbakır we interviewed Hasan Bey, who does not want to confront perpetrators but wants to know why they killed his brother. Though at first he says will not forgive, he states that he will change his decision if Abdullah Öcalan's declaration and common will of the Kurdish people is different. In fact, he talks about a possibility for some kind of political forgiveness:

*I don't want. If I face these people... I know those people won't face me. Whatever the punishments are, give them... What I will say is this 'You killed my brother, don't kill anyone else's brother. You've hurt me, don't hurt anyone else. I have a claim against you'... I never forgive. There's a fire inside me, I feel as if I lost my hand, my arm and my foot. What did my brother do? Did my brother steal something? Killed someone? Was my brother corrupted? My brother said 'I'm a Kurd.'... If I forgive these people, they will walk around dancing, saying 'they forgave us.' I don't forgive... When time for peace comes, they'll say it's for peace... Kurdish people is a people with many martyrs... If the President says 'forgive these people' I will. Otherwise there is no forgiveness for them... When Kurds who have martyrs, our people make such a decision, we will also hold their hands. But on my own I won't forgive. If the President from İmralı says 'forgive these people,' I swear to God we will forgive. So help me God, if they don't say it, I'm not forgiving. Until there's common decision there's no forgiveness for them.*

Meryem Hanım interviewed in Şırnak says that she will not be able to forgive those perpetrators, whom even God will not forgive, but on the one hand, she tells that if peace is made and Abdullah Öcalan is released, she will be able to give her blessings and on the other hand, even when there is peace and blessings are given, she says she will not find peace:

*I have no question for those people... May God not forgive them. These people must be arrested. May God not forgive them. God damn their bodies... Have them feel this pain. Have them know how difficult it is. Destroy their houses. Then maybe they won't destroy houses of the people anymore. If the houses of those who demolished houses are destroyed, they will not demolish houses anymore... I won't forgive... Perhaps [I will forgive] if God forgives. God also won't forgive. God will not forgive even if I forgive. If God accepts, I will accept too... I say let there be peace. Release our President. Open prison gates... I'll give my blessings... What if I do not? It's all one to me, whether I give my blessings or*

*not. I will do it for peace. So help me God, if they make peace seven times, it won't ease my pain. Let there be peace. Release our President. Open prison gates... For peace I will give my blessing but even if you fill it with snow, you cannot put out the fire in my heart. I won't find peace.*

Raziye Hanım in Batman does not want to confront perpetrators and the responsible ones. She constantly repeats that she wants to recover her son's body and Abdullah Öcalan as well as other prisoners to be released, however, even if her demands are met, she says that forgiveness will be difficult for her:

*In my eyes they are my son's enemies. How can I look them in their eyes?... I don't want to see them. They must not come before my eyes... What will I do with them now? What had I done to those enemies that they did this to my son? He was a poor, good man. God knows... I swear, I don't forget. My heart will never welcome them. God does not forgive them even if I forgive. God does not accept this law... May God punish them... What shall I want from state?... I want my bones... I want peace, I want people not to die, to be buried... Release prisoners. I want Apo released from prison... I want peace... So help me God [forgiving] is hard... It's hard on my heart... It's difficult for me... My God, for peace, I swear my pain is not going away... Whatever I do, pain won't go away... I also feel others' pain just like how I suffer from my own pain... So help me God, [to give my blessings] is hard... For peace, if there's peace, if people don't die... I am unable to get my tongue around a word that costs his right... [If I give my blessings] I'll lose him, I'll lose [his] right... It's very hard for me... May God never leave their due... I want peace to be made. I want Apo released from prison. As long as we live we will support our President. We also want peace. I want soldiers to return safe, so mothers don't cry after them. I don't want children of police officers to be orphans, their mothers to cry... I can't give my blessing. My pain is enormous. It is hard for me... If the President tells me, as he knows... Until death we will drift away neither from our children nor from our President.*

Raziye Hanım's son, Nizamettin Bey says that the most important question he would ask perpetrators directly involved in his brother's disappearance while in custody, in fact, as he himself expresses, his brother's murder, is to know the whereabouts of his brother. He says that if he hears that they feel remorse, he will forgive them and that Abdullah Öcalan's declaration on this matter will influence his decision, however, there is a situation when this declaration will not suffice:

*I don't know what I will feel then. But I wonder how they became such monsters. My first question to them would be whereabouts of my brother... We don't know where, how he was killed, we know he was murdered. For years there has been not a single day that I didn't think about it, it's in my dreams at night. All this helplessness makes me angry. I can't do much about it... I'd like to ask how they murdered my brother and where they buried him... if they regret, ask for mercy, I'll forgive, however my brother didn't die for me, he was murdered for a political struggle. If Kurdish political movement forgives, I will also forgive. If the leader of Kurdish People Abdullah Öcalan forgives, I will forgive too... Killing them, I don't have in mind such savage things as them. I myself can forgive them if they came and express their remorse. After all, these perpetrators are trigger men. Primarily it's the state that made them murdered. I can't forgive the state.*

Though Abdüselam Bey, whom we interviewed in Mardin, does not put forward any expectation or condition with regard to Abdullah Öcalan, he implies the need for improvement of the current political conditions in order to forgive. He says that he will not forgive in order not to forget what they have been through:

*By no means will I confront them. I don't accept it. I never want to see them... I will never be in contact or talk to them... By no means will I forgive them... I will never forgive... To forgive them is to disregard all the suffering I've been through... For the truth to come out, for justice to be served, for not to forget and made forgotten, I will not forgive... Not to forgive means not to forget what Kurds have been through. Why these pains were suffered? What has changed so that the Kurds forgive? Why would they forgive those who killed them, had them killed?*

Abdüselam Bey's question "What has changed?" reflects main justification of others who reject forgiveness for similar reasons, in other words, feelings of vexation and resentment that are hard to change. He describes how in terms of political equality and coming to terms with the past only grand political gestures and legal measures can make vexation and resentment go away. Abdüselam Bey seems to be besieged by resentment that also accumulated from formal, social and political equality, formal justice and formally balanced coexistence.

As mentioned above, Yasemin Hanım, like her father, does not want to confront perpetrators and the responsible ones and says that she will never for-

give. Her resentment and vexation also contain absolute hopelessness: “There won’t be any peace! I don’t believe... It will go on like that. Always blood will be spilled, always young people. I’ll bring up, take care of my child, they’ll come and shoot. Thus, I believe this.”

***“I am tongue-tied with respect to peace”***

As for those not in favour of forgiving, peace is the breaking point. Bedriye Hanım, whom we interviewed in Batman, says that forgiving perpetrators will be difficult despite peace, but ultimately, if there is “real peace,” she says, she will refer the perpetrators to God:

*I want to confront... I have things to tell them... I will never ever forgive them... Why did they kill my innocent, impeccable husband, father of so many children?... How can I forgive them?... My heart doesn’t want to. I can’t... If there will be peace, it is most welcome, as long as there’s peace... We want peace... So that no one suffers. Let permanent and genuine peace come. Not fake and cheated peace... If it’s real peace, it is most welcome... Even when there’s peace and they bring those people before me, I swear, I won’t forgive them. I accept peace, but if they bring him to me I will say ‘so help me God, I don’t forgive them.’... I swear, I won’t give my blessing... So help me God, it’s hard. I am tongue-tied with regard to peace. I wish peace had come, one would refer them to God’s punishment... I stretch out my hands to God, I ask for peace, real peace, not a fake peace. If peace comes, they’ll be referred to God’s punishment.*

Sarya Hanım, whom we interviewed in Hakkari also wants to ask perpetrators “why?” She says she will not forgive until her demand to “stop the bloodshed,” which she calls “solution,” is met; only when “right solution” is found, she says she can change her mind. Sarya Hanım believes that this right solution, which also includes release of Abdullah Öcalan, at the same time will give peace to her “martyrs:”

*I want to ask them... ‘What was your reason? Why did you do that? On whose orders did you act? Who gave you this order?’ I want to know this... I won’t forgive... How can I forgive? Thousands, thousands of families suffered ordeal. Sons of thousands of families gone like that... If I forgive them, nothing, then I’ll have a guilty conscience... That’s how I can forgive. They broke my mother and father’s heart, broke our hearts. What I want is a solution to be found... It’s enough of mothers’ suffering... Stop this bloodshed... Isn’t the state talk-*

*ing about solution? Make it a right solution... Bring resolution. It's enough of mothers' broken hearts, stop this bloodshed... If this happens I will forgive. I'll forgive in my heart... Until those people are exposed and until this bloodshed stops, mothers' hearts suffer enough, until mothers no longer cry, it cannot be forgiven... When the President is released, my brother will be released too. All the martyrs of Kurdistan will be released.*

Sinem Hanım, interviewed in Van, does not want to see perpetrators, whom she calls “enemy” and as for what we named political forgiveness she ties it to one condition, which is again peace:

*Would someone face an enemy that murdered them? Falling into bottomless pit is better than facing them... I wish God won't make us meet, with the help of God, we won't meet. It is better to sink to the bottom of the sea than to face them... What can I say, if they had been good people, they wouldn't have done this. I will talk to them, ask 'why did you do that?'. We committed no crime, had no enemies. Not in a lifetime will I forgive them. Is it justice they call in this world? If their rights are not claimed, if our rights are not given, even in the afterlife I cannot forgive them, I question their faith... For no death of people, youth, no martyrdom, if there's such a decision taken to stop this, if they say 'shall we take a step?' I'll say 'yes.' Apart from that, if they stand where they are and say 'forgive,' I won't accept it... if steps are taken, peace provided, then for our imprisoned, for our people in the mountains, and all of our people, for that there won't be any blood spilled... If there's peace, if there's peace for our people, for our youth, then yes, but if there's no peace and they ask 'forgive.' I won't forgive. In my life I wouldn't feel anything good about them. Only for the youth I say 'yes' to this, so that bloodshed shall stop, there shall be no more martyrs, our people shall not be killed, but deep inside me there's something else, of course, that's different.*

In the previous section we have partially presented views of Hasan Bey, whom we interviewed in Diyarbakır. Even if he says that he will never forgive perpetrators, he states he will change his mind when Abdullah Öcalan's declaration and common will of the Kurdish people is different. His one more condition for peace, is demand for peace which we will mention here: *“The time when peace comes, if they say it's for peace. Peace is a tremendous thing. Peace is great. Peace is neither a mountain nor a sea. Peace is a beautiful thing... When Kurds who have martyrs in their families, when our people makes such a decision, we will hold their hands. But on my own I won't forgive.”*

Although Rabia Hanım, Hasan Bey's sister, says she does not even want to

confront perpetrators now and she does not forgive them, she adds that she may change her mind if peace comes:

*If I know who they are, if they take this path, I take that one. I change my way, if they come my way I change my route... Is it forgivable?... No... So help me God, I can't. It's over, but I see it every day, nothing changes, nothing changes... Perhaps a day will come that something happens... No I can't handle it. The world is changing, people age, your heart suffers. At that point I don't know... If there's peace, maybe. I don't think I can give my blessings.*

As for Hasan Bey's older brother Taha Bey, he says that he will renounce his demand for the punishment of perpetrators if the state becomes a democratic one, but he will not forgive them. He expresses the satisfaction that the disclosure of truth would give him:

*That's my sole goal, do you know that? This war, you know, to stop this war. So the people don't die. You know, one's rights, look, rights, equality in democracy. With Turkish, Laz, Kurdish, whoever, Christian, Armenian, living together... Not just in words, saying 'I will give this [rights], I will give that [rights].' Putting them into laws, legalizing them and disseminating rights, giving rights to everybody... If it is real and sincere I will renounce my right, I mean, I talked about conscience, right? I can't sleep until 4 am. I will renounce my right... I won't give my blessing... I won't forgive... I will say I thank him a lot. I mean, if a soldier shoots, he doesn't do it himself. Someone gave order... There's no crime, sin of the soldier. I don't blame him. I never blame the soldiers... Come to me and say 'so and so happened, we took him, tortured, later shot in the back, killed.'*

Mehmet Bey, whom we interviewed in Diyarbakır, pointing to the necessity for the state to take measures, says that forgiveness can only be mutual:

*Forgiving happens like this. There are two sides to forgiveness, it is not unilateral. For two years blood is not spilled in this country. Mothers of soldiers don't cry. Mothers of guerrilla militants don't cry. It's a great thing. However, it's unilateral. The state took no steps. Neither in the question of language nor culture. They changed names of our villages. What's our crime? Is humanity a crime? We were Kurds. That was our crime. God created us like that... [If the state takes action] I'll forgive. I'll extend my hand. So that another mother, someone else does not go through what I have been through... I'll forgive from my heart... I'll forgive them so that tomorrow no one bothers my wife, children, brother's wife and others alike. So my counterpart also sees me as a human being.*

Abdülkerim Bey, interviewed in Muş, says that he would be content with the confrontation with high level authorities and the opportunity to tell them “*share the knowledge you possess with the public.*” He says that the time that has passed made important solely the exposal and acknowledgement of truths. When he tells that the main point is to forgive, not the perpetrators, but the state in the person of those politically responsible, that is, the importance and priority of the conditions for political forgiveness, he also lists conditions necessary for him to forgive the state:

*We are ready to forgive everything, as long as we know whom and what we will forgive...we can't address a person, I mean a person is not important, person means institution... State, we are ready to forgive the state, but under two conditions, first of all, Kurdish problem must be solved, secondly disclose truth about these events... We are ready to forget our pain, as long as we know whom to forgive. Expose it... In those times we might not have forgiven, but twenty years have passed, we say as long as it comes out, as long as, I mean, there are the missing ones, families of those disappeared always say on TV that they just want their bones... We too, I mean disclosure of truths makes us happy.*

Mehmet Bey, interviewed in Diyarbakır, whose father working as an imam was murdered by Hezbollah trigger men, has questions for perpetrators rather than those politically responsible:

*I want to know this, why? I mean, why? Why? This man was an imam. 'You are also doing this [murder] in the name of religion, but this, I don't want scientific explanation. According to your ideology why did you shoot him? If there's something like this in Islam, tell me'... That's what I want to ask. Why, I mean why? Why this man? Because me, as part of a political movement, let's say I went. My punishment, I stood against such-and-such state for such-and-such so reasons. Perhaps I knew this punishment. I knew I'd get it and that's why I was active. But this man was a civilian. Wasn't someone involved in politics on daily basis... Hah, if you're saying this, I mean if you're saying 'the state send me, made me kill, tell me that too.' I'll calm down anyway. I'll also calm down anyway. I'll say alright, the state took us as enemies... you'll tell me your reason. Whether he gets punishment or not is not very important. Believe me, it's not important, but he'll explain me the reasons of that.*

Even if he says he will forgive perpetrators, like Abdülkerim Bey, he sees it as a secondary matter and in order to express that, he explains how state and “the system” must change:

*Rather than giving one's blessings here is the thing. I mean, you are the state. [Whatever] you say, you take this as a basis. You say 'if a sheep is lost by the Tigris, I won't sleep that night,' you say. Put aside the sheep by the Tigris, you didn't leave a youngster by the Tigris. You didn't leave a human being. How will you settle this? You won't. Nobody can... Now, I'm saying, I'll tell triggermen this. 'How do you shoot a man without knowing him? God gave you reason, gave you sense, gave you brain.'... It's because normally, in a classical saying, he was brainwashed... Who is washing his brain? This system washes his brain. It can't be washed on its own. He could be engaged, but the medium that engages you is clear. The system is evident. On my own I can be neither a monster nor an angel... I forgive that person, but tell the system 'hey, system, if you want to erase all these sins, first make people gain human attribute. This must not happen again. I've been through this, the next generation must not. What's first? In education, from the alphabet, from the first class you'll start teaching how to be human... I'll say this. Forgiveness is peculiar to superior ones. I'm not talking about forgiveness. I'm saying this. If this system really changes itself, transforms, if you change and transform yourself as I said, I will be also persuaded. If you don't make this people, future generation to go through this again, I'll say agreed!*

Fatma Hanım, Mehmet Bey's sister, is more interested in understanding the condition that led perpetrators to commit crime and to push them to soul-searching. As for conditions for forgiveness she specifies truth telling and prevention of the past from happening again. She accepts giving one's blessing as a prior phase before separation in peace or living side by side but not together, living afar without interference, as neighbours but not sisters/ brothers:

*I want to see those people at least once. Either from my glance or by looking at me they will understand a lot. I think... I am really curious what kind of life, I mean how, how they could live, how they could live their lives having hurt so many people, having people disappeared. What kind of a state of mind is that? All the time you keep wiping out people and to what end?... What kind of feeling, I mean how could you wipe out the best people in the world without batting an eye? All of them had a purpose. All had a purpose for their people, for well-being and good. When you were doing it, I mean what were you thinking while doing that? I mean, what did you think? What became so powerful? Really, what was so strong? It can't be easy, to suddenly wipe out people so blatantly. Suddenly, I don't know, to leave people to torture.*

*What kind of greed? Frankly that's what I'm curious about. I wonder about their feelings. What were they thinking? What kind of emotional structure they operate with... Well, normally, I'm very forgiving. I always prefer to forgive. I mean no matter how much harm they give me, but when this turns my life up-side-down, if my life is built upon that... I don't know, you need to live this. Right now I really don't know what to think then... To begin with I'm curious about this person's sincerity or, like I said earlier, their thoughts and feelings when doing it. After having learnt all that I don't know what I would think. Right now... it's very hard... I mean, if I forgive, perhaps then, then I'll gain a different perspective. I don't know. If I forgive, I mean do you know when I forgive if I forgive? I mean, when some things are completely out in the open, I can forgive. I can forgive when there's guarantee that such terrible thing won't happen again. Then, I can put my life on the line. What I'm saying is that it cannot compensate for some things, but if people really won't do such things, then I can easily forgive... For me to be able to forgive there must be a guarantee that those things won't happen again... Yes, I'll give my blessings. I'll give my blessing in order not to meet again. I mean, then completely as myself I'll give my blessings. I'm separate. I mean we are separate. You are separate. Get it into your heads. I mean you will not harm us in no way. Again like I said, if there's that guarantee, then alright, you go your way we go our way, we give our blessings mutually... I mean stay away from us. I mean do not expect anything from us, do not want anything, do not oppress. Nothing else.*

These words confirm that survivors do not want to live together with/in a community that does not acknowledge the moral atrocity of the past. It is not only related to the rejection of the past and the responsibility for the past, but also lack of assurance, lack of promise that the past will not happen again.

### ***The contract of fraternity***<sup>375</sup>

Fatma Hanim's acceptance to give her blessings in order "not to see each other again" stems from her frail hope of living together with other citizens of Turkey in equal and amicable relations and from her perception of coexistence as always harmful and oppressive. Demand and desire for distance or a rejection of intimacy she describes, extends to a wish for a state of her own:

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<sup>375</sup> As a matter of fact, using the notion of "friendship" is more appropriate instead of "fraternity" in the context of "political friendship" we discussed in Chapter II, but the fact that interviewees used the term "brother/sister" does not let us use the term "friendship".

*We've been suffering so much pain for such a long time because of it, I mean we are suffering from lack of state. If we had had someone protecting us, watching over us, thinking like us, at first, I mean at the very beginning, you would have stopped all the pain... if you don't establish that system...again you don't have the guarantee, tomorrow you may live the same thing.*

She is not yet completely void of expectations from Turks. She wants both the pain they have been through to be understood and the dignity they own to be recognised:

*Of course I have an expectation from Turkish people. I mean, certainly. They don't know us at all. I met some who know nothing at all... I shared a room with three Turks... In my room for example, I couldn't speak my own language. It was making them uncomfortable... 'you'll make us forget our own language.' When they got to know me, they realized it wasn't like that. They realized we can also think broadly enough... That we can make friends well enough. They saw in my case that we could sometimes see things even in a more mature manner... I would like this view to reach wider public: 'They are also human beings.' And they should know that 'they suffered a lot, experienced lots of suffering'.... I mean, I want them to be much more sensitive for once... Indeed their view about us is injudicious, very injudicious... OK, the media influences many things, influences them, but for once they must stop looking at us like that. Of course, oppressed... well looser, but I don't want them to see us through this mentality, but more as a society that has been through things and got many things in return for. I mean as a society that stands uprights and requires respect. I want them to look us like that.*

What Fatma Hanım says reflects the expectation to renew the frequently presented discourse of “fraternity” in Turkish public opinion, which is used by both nationalist and Islamist politics “as an instrument of unifying-homogenising equality to repress Kurdish demands for identity.”<sup>376</sup> Even if some of the interviewees mention Turkish-Kurdish fraternity, the fraternity they talk about includes not only Turkishness, but also Kurdishness and reflects a desire to make a new contract of fraternity. Though Züleyha Hanım, whom we interviewed in Hakkari, expresses that she considers Turks as sisters/brothers, when she says she wants peace not just for herself, but also for Turks, she also reminds Turks her understanding of fraternity:

*Sons of Turkish nation also go to the military. Don't have them killed too. It's a*

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376 See: Çiçek, 2011, p. 2.

*pity for them too. Their son is like my son. There's no difference for me. We are all umma<sup>377</sup> of our Prophet, we are sisters/brothers... Yes, I want peace. Also for Turks. We are sisters/brothers with Turks. I want peace to come. My son, Turkish sons go to the military. I want a beautiful peace. So that they go and come back safe from the military. Let there be no deaths. I want peace.*

Mizgin Hanım, interviewed in Mardin, is also one of those who think there is a fraternal relation between Turks and Kurds, more precisely, her view of Turks seems to be so:

*Now, they for example, how should I say, Turk or Kurd, there's no difference, they are sisters/brothers after all. But they should know that such things happened here. That they took away those people. There are orphaned children, women, the unemployed... How I can say it, they must know... Now, let's say my mother told about her suffering. Have them see, feel sorry, 'how they did this to this person.' ... Perhaps, they will think like us too, I don't know, it's up to them. For example, in my heart I'm in pain. When someone dies, a soldier becomes a martyr, then I pity... Sometimes on TV they say that something happened to a father of two. Shouldn't I feel pity, of course I feel pity, I mean for these children. Gone is already gone, but it's a pity for the ones who remain.*

In Batman we interviewed Raziye Hanım who also does not differentiate between martyrs of both sides:

*The pain of those who suffer among Turks is like my pain. I have felt the pain of those martyr soldiers as well... I know the pain of a mother, that's why I live the pain of all the mothers... I didn't just feel my own pain, but a lot of pain of Muslims, soldiers. I was in pain and I also lived everyone's pain.*

Aysel Hanım in Muş does not hesitate to say “we're sisters/brothers,” and her primary demand is peace. By peace she means no contempt for Kurds, that is, recognition of their existence and identity. She reminds that only then the mutual hate will be over and “once again” they will be able to be sisters/brothers:

*I want peace... Guns to be silent... To say Kurds, I mean we are Kurds, we exist. I want that a lot. So our children live well... so that they [Turks] show no contempt. We are also living in Turkey. We are citizens here, we are sisters/brothers. I expect them not to feel contempt, we are also humans, we are Kurds, we exist... Why Turks hate Kurds? What about Kurds hating them? Why do we have such a society? Of course I'm thinking about this. Sometimes I say*

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377 The Islamic community [Translator's note].

*how such horrible things, I mean somehow they are human, we are human too, we are Muslims, we are sisters/brothers. Again inside I feel, I don't want to feel hate again. I mean when I see them. I'm going to Ankara. They are there, I'm going to a hospital. Everyone there is Turkish, majority. It comes to my mind, always comes to my mind. They are Turks, we are Kurds. I don't know, again I don't want to hate anybody, Turks... If only there's peace we will all be sisters/brothers again.*

In Diyarbakır Ferya Hanım also talks about her distrust against the current state. Because she is not certain that the past will not happen again, she says she has avoided thinking about having a child: *"It's because above all, I don't want my children to experience what I've been through. Perhaps I don't want with this because of that fear."* She wants Turks to recognize the loss of Kurds, the price they paid and their identity. She says that Turks do not see Kurds as sisters/brothers, but hold them in contempt:

*First of all, they must believe us. I mean, instead of holding us in contempt, they must see us as sisters/brothers. At least for years, for example, Kurds also suffered. At the same time Turks also suffered for years. From a simple Kurdish family, one child is in the mountains, and one in the military... Before anything, they must establish empathy. The only wish of these people is their language, culture, identity... my father, others like my father, thousands of people sacrificed themselves for this... Before anything else, I mean when they read [this], they must see how much Kurdish people suffered, how they were lost for nothing, how the state ruined people's lives for no reason. I mean I want them to acknowledge us to be right rather than standing by their side... To recognize rather than deny.*

Ramazan Bey, whom we interviewed in Şırnak, when talking about his expectations from Turks, also lists conditions for fraternity:

*If we are sisters/brothers. Turks throw us out of fraternity. We are disregarded sisters/brothers without a language, any rights. We don't accept this. At first we must become sisters/brothers with Turks. Before there was no fraternity. They should accept us as sisters/brothers. Give us equality, recognize our identity. Release our leader. Have people fighting for freedom of Kurdistan return from the mountains. Then we will forget the past.*

For Gülsima Hanım in Hakkari, fraternity means peace and equality, it means to see that the deaths were not in vain:

*Why a sister/brother kills a sister/brother? We don't accept this. It's enough, abolish this fraternity, dry this blood. We want peace. We want our identity... if our rights are given, our President comes and sits by the table with Erdoğan, it would mean that my brother struggled, he was killed for his struggle.*

Nizamettin Bey in Batman, in a similar way describes how fraternity should look like: *"We have many expectations from Turkish people. From now on they must stop ignoring what happened here, the massacres. They must come and see the atrocity here. Fraternity would not be like that. And they must become partners in Kurdish struggle."*

Nizamettin Bey, whom we interviewed in Bitlis, says that Kurdish existence and their role in the establishment of Turkey must be acknowledged when stating his demand for fraternity:

*Well, we are Kurds, my sister/brother. With our blood, language, everything, we are Kurds. We don't want Kurds to disappear. We want Kurds to also exist. I mean, let's accept each other, in a fraternal manner. Together with Kurds, Turks and everyone. As far as I know we established this country together. We established it together, no one else did it. Turks did not establish it alone. Kurds did not establish it alone. I mean, they fought together.*

In Muş Mukaddes Hanım, like Aysel Hanım and Ferya Hanım, says she wants Kurds not to be held in contempt, to be able to use their basic rights; she wants solution, not death. On the other hand, she says that there is nothing to say to Turks, a sentence we have repeated a number of times during this study:

*To go to the mountain and kill him. In the end his mother, his father will suffer. It's not a solution. Seriously that is not a solution either. Alright, if I now get up and kill hundreds, thousands of people, my father won't be back. I will make others suffer the same pain I had. I don't have the right to do this... It's fine if Kurds are given what they want. Only what they want, to talk in their own tongue. Not to be held in contempt for their identities... In the end we are living here too. We are also here... What I would tell [Turks]... Seriously I don't want even my enemy to experience the pain I've been through, it's because it's a grave pain... You become so that, that words don't come out anymore, no more. When you get no reply to what you said and said, words have already buried themselves. I mean, now whatever you say, it's of no use.*

### **“They too must say ‘it’s enough”**

For some, however, there are still words to be said, call to be made on the road toward political friendship. Şükriye Hanım interviewed in Mardin, upon mentioning Turks, thinks about mothers of the killed soldiers and believes that they are silent because of financial help they receive from the state and invites them to join the call saying “it’s enough:”

*They also have mothers. They also suffered. They are also in our situation. Perhaps the government gives them money. They say ‘money’s for you, my condolences.’ As a reply they should say ‘our sisters, we belong to each other, we are under the same roof, we are sisters, we haven’t done anything to each other.’... They too must say ‘it’s enough.’ We bring up our children in hardship, they mustn’t be killed. They also must say, they are not good like that. We’re saying ‘it’s enough’ if nothing happens to our children, we can accept to be poor... We even accept poverty, they do not. It’s a sin.*

Şükriye Hanım’s daughter Yasemin Hanım, gives example for her mother’s words from the media and says that discrimination against Kurds must end:

*For example our women go on TV and say ‘we don’t want any soldiers to die, we don’t want any guerrillas to die.’ They say ‘Blood must not be shed, stop the blood spill,’ but I wish Turkish women also appear, there’ll be bed of roses, but Turkish women say ‘have them killed’ this [...] is on TV. How can she say such a thing, for example people were sending some food and other stuff to Van. At first she was saying ‘don’t give that there.’ I mean, she says don’t give to Kurds. What is it? You are a human being, I’m a human being too. You have a soul, I have a soul. You’ll die, I’ll die. What’s all about that discrimination?... We say there must be no discrimination... What will happen, for example if identities are given, what do Kurds want? I want my own identity too. I want a school that I can study in my own language. Without these there can be no peace. Are those two things too much?*

Bedriye Hanım, whom we interviewed in Batman also wants Turks to say “it’s enough” or to be more precise to say “peace” and not to say “long live the motherland:”

*Have them say ‘peace’ too. They mustn’t go on TV and say ‘long live the motherland,’ they must say ‘peace.’ We are mothers. Coming together Turkish and Kurdish mothers must say ‘peace.’ They should not cheat themselves. As if they are not suffering when their sons die, and they say ‘long live the motherland.’ They must say ‘peace.’ It’s a pity for their sons. It’s a pity for my son. It is a*

*pity for my husband. And for their husbands too, it's a pity. They mustn't be killed. So our hearts don't suffer so much. I'm appealing to Turkish mothers, say 'peace'... If they are smart, if their hearts hurt, if they're Muslim, they must say 'peace' not 'long live the motherland.' Why do they say 'long live the motherland'? They mustn't say that.*

Hasan Bey interviewed in Diyarbakır, is hopeless about Turks, but does not hesitate to appeal to them:

*A Turk won't do a thing. We're saying 'our martyrs' and they ask 'who are your martyrs?' They say 'your terrorists, you murdered, the state didn't kill you.' They tell us that. Why don't they tell us that 'we want peace'? You say it too. Aren't you my partner? What's the difference between your son and my son? What's the difference between a Turk and a Kurd? ... Why do they martyr my brother? Your brother comes, kills my brother, why?... Say 'let's not kill each other anymore' come and say 'peace.'*

Şengül Hanım in Van, believes that there are truths that need to be told to mothers of the martyrs and she objects the slogan "motherland cannot be divided:"

*I have an expectation from Turks... A big expectation... You should meet with them [mothers of the martyrs], you should talk to them about the truth, you should tell them too, you should listen to their pain too. I mean include them in these mothers too. These mothers too, I mean so many people lost their children, have them share their pain. So that there's common point I mean... How many times, we, our mothers how many times went to see them but no one came here. We're saying, they must come too. These children, okay, military service, debt to the nation, that's a different thing... Why your child goes there and gets killed? 'Martyrs don't die, motherland can't be divided.' Alright, what is divided here? Which motherland is divided? These, I mean, you talk with them too, tell them too... When these people committed no crime, I mean is it a crime to be a Kurd? Is it a crime to live like you want, with your language, your identity, your culture?... I mean, why this life in dignity is not my right? Why do you have it? Why don't I live that? ... That's the only thing we want... Today thousands of people are in the mountains, in prisons. Thousands are buried, in the graves. What's the crime of all these people? It's a national life. Life in dignity. Oh, sir, it's 'Martyrs don't die, motherland can't be divided.' Well, which motherland was divided? What are we dividing? Who is dividing whom? Who is dividing? Who is divider? Who creates terror? That's what it*

*is... I'm saying, these people were not killed for nothing and these people will not be forgotten for nothing. Really, those people lived for the struggle, if their young bodies were buried, I mean it's everyone's duty, I mean everyone's, not just Kurds'. Turks' also, everyone's.*

Gülsima Hanım, whom we interviewed in Hakkari, says Turks, whom she describes as “enemies,” do not share the pain of Kurds, whereas themselves are in an exact opposite situation and drives attention to this kind of inequality:

*Today your pain is also mine, my pain is also yours. Enemies don't calculate this. They say 'our pain is only ours, yours is yours.' We say 'a soldier is also our son, the one in the mountain is our son too'.... The ones in the mountains are our soldiers. Under Erdoğan's orders are also our soldiers... Erdoğan must come to the table. Accept us by the table too. Say that this is your share. This is my share. This is your identity. And this is our identity... So help me God, what shall I tell Turks?... We struggle for our rights... We say 'it's enough already.' As he got his table, his parliament, his presidents, let us also have our table, our president.*

Gülsima Hanım's brother, İrfan Bey disagrees with his sister. He says that “Turks are good, we are like sisters/brothers. They didn't hurt us, but we don't like the state” and goes on to remind what Turks can do:

*Turks can also stand up. They can say 'you executed so many people, they also suffer, they have families.' I mean, Turks can stand up... I mean if Turkey stands up, everything will be out in the open. I mean we are not enemies of Turks, but if Turkey gives us support, we'll find solution much faster.*

Adem Bey, whom we interviewed in Hakkari, wants Turks to hear Kurds, listen to them, even personally visit them. He sees Turks as sisters/brothers and calls on them to understand Kurdish struggle:

*Never, for example like I said, not at Turks, but at the state, by state I mean high levels, prime minister, president, as long as they do not prosecute the perpetrators, I'll look with hatred at them... Turks, I mean, I always saw Turks as sisters/brothers. But there's very nationalist part of the people, but what is this nationalist part? Always what they hear on TV, in the news, in the press... In my view Turks should do that. Instead they take those nationalist feelings from the press, they should come and see for themselves. What's a Kurdish problem? What bothers them? For thousands of years what Kurds have been fighting for? Why? We still want to live with Turks in peace. But what is this peace?*

*They tell us 'you are given your rights, you get your MPs, there's way towards presidency' but these are only, I don't know, I mean, these are the things in sight, but you can't have them. There's an obstacle in front of you... What we expect is this: Turks must come and hear our problems... They must come and see what bothers us. We are oppressed, threatened, tortured, murdered...Why are we murdered? Are Kurds destined to always be oppressed? Have them come, what's the main Kurdish problem, why they rebel? When you look into history, there are reasons for each rebellion. Either oppression or violence or cruelty... When they come, have them live it themselves, and then judge us. I mean, are we given a right or are we given law? If rights and the law are given to us, we are guilty. We are guilty if we are just rebelling. The only thing I want, if there is something for you to write, tell, is for the Turks to come and see to what has been brought upon us, what kind of oppressive psychology the state imposed on us, how intimidated us, have them see all that. Have them see how gas bombs are thrown on people, how many children lost their eyes, how many people were killed by the gas bombs, by the direct fire.*

Sarya Hanım, whom we also interviewed in Hakkari, like Adem Bey, believes that Turks are ignorant of what happened to Kurds. For “children of the Turkish people” and mothers, for the “martyrs” to find peace, and for herself to find solace, she wants only one thing, solution:

*From Turks I want a solution only... Turkish people don't know. Do the Turkish people know that my brother was a martyr? Do the Turkish people know that the state brought this upon me? Children of the Turkish people are like our children... I really badly want a solution. It's enough of this mothers' pain... Then our martyrs will find peace too... They will rest in peace. When we go to the cemetery at least we can say that this happened. The solution was found, that hearts of mothers and fathers don't suffer any more, bloodshed is over. This is consolation for me, what brings me peace.*

Taha Bey in Diyarbakır does not breed hostility against Turks, however, he says that there is an important thing especially those Turks who served in Kurdistan as state officers, who know of what happened to Kurds, can do, that is “testimony:”

*I have an expectation from Turks, from Turkish people... Turkish people will say, hey my friend, aren't Turks more educated when we remember the history? They are educated, all are experts, professors, associate professors, I mean educated... That man there will say 'these Kurds too in this country'... If they*

*have conscience there are many who saw this. Those who served as soldiers, ordinary police officers, teachers, those living in this region, imams, if they have conscience, sense of humanity, if there's a little bit of humanity left, those people must come to the fore... Have them say too who did what... Testify. Perhaps the one who shot my brother, how did shoot him, perhaps the soldier is alive, must come to the fore. Certainly there are many people... I mean now, if they are not human, OK, but if those people have any conscience, what was done in this region, Turks will get up and talk about it... I mean the bloodshed must stop. When that corpse was delivered I felt the pain of his family. How are his mother and father suffering? I mean, they must not suffer now.*

Nimet Bey, whom we also interviewed in Diyarbakır, says that Turks also need to stand against the war, and that both Turks and Turkey can take advantage of Kurdish movement's struggle for democratization:

*Now, shall I tell my sister, that Turks are like us, children of Anatolia and wretched children. They're coming here... Into the war in the steepest mountains of Kurdistan. Are dragged over the mines. That man dies there. That's the reality of war. They will scream like us, will stand up against this war. Right now the only ones who stand up against the war are Kurds and Kurds won't win just for the Kurds. Kurds will make all the oppressed win... Everyone will be liberated with the Kurdish movement and Turkey will democratize. The road for Turkey will be open then. This country then will enter among the best of the world.*

Nimet Bey's brother Hakan Bey, like his older brother, wants Turks and Kurds struggle together. Like Adem Bey, he calls on Turks to listen to Kurds, abandon their nationalism and come to Kurdistan:

*I want Turks to have a bit more common sense. I want them to be a bit more sensitive. Everything is not as they were told, as they heard. I want them to come, to see what has been experienced, what kind of pain suffered. I want them to act together like Kurds. I want them to demand their rights together. I also want them to know some of the facts. Be it a Kurd or be it a Turk, I'm against extreme nationalism. I don't find it right.*

İdris Bey, whom we interviewed in Batman, believes a common struggle of Turks and Kurds is possible: "Turks of course can do something. We can carry out a fraternal struggle together with Turks." Nihat Bey, interviewed in Bitlis, shares a similar view and he says he wants Turks "to become one with Kurds:"

*With the struggle, in the end with unification. Unification, I mean, we always say unity. When we say unity, one day, for Kurds and Turks to unite, to live together in a country, to really be able to live like sisters/brothers with me, my struggle must be supported. At the same time, if they have a problem, I must support their struggle.*

In Diyarbakır, Mehmet Bey, whose father was murdered by Hezbollah, says that “*if this can be resolved, at best, Turks will resolve this,*” however, he describes the first thing Turks need to do, that is, rethinking the meaning of “motherland:”

*Turks, about these, for example what I told you about, there are many families like that. When we tell Turks about these, and I mean in objectively, hey Turks... [you must say] ‘yes, we said here ‘motherland nation Sakarya,’<sup>378</sup> I wonder which motherland, which Sakarya, whose Sakarya?’ Whom did take over and made it Sakarya? Whom did you take over and created it a motherland?*

Ekrem Bey, whom we interviewed in Muş, first says that what happened between Turks and Kurds must not be understood as enmity:

*... When you start to examine these things with the help of Turkishness or Kurdishness, you’ll make a big mistake... Everyone, even now, has a certain political view, but if you extend the hate you have for a Kurd to all Kurds, to any Kurd, if you attempt to take revenge on all Kurds, on any Kurd, it will pave the way for a huge problem, for a big mob. Now, in my opinion it’s not a matter of a Kurd or a Turk. Certainly, these are damages done to the people by the soldiers or other parties of that period.*

On the other hand, as an example of what Turks are capable of if they set their minds to it, he reminds Gezi Park protests in May 2013 that took place in Istanbul. Nevertheless, he believes that they would not react to the injustices Kurds were exposed to and as if saying “whereas” he adds his own view of Turks:

*Now, for example, take Gezi events two three months earlier, hundreds, thousands of university students, whom we call intellectuals, Turks, there certainly were Kurds among them, stayed there for thirty days, slept there for forty days to stop cutting of two trees. But here, if you tell a Turk, here nine people were burnt alive, my father was tortured to death... a Turk, I mean, from this youth how many will come and make a sit-in or accept this in their conscience... When any soldier dies a martyr neither me nor my family like it. It’s because*

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<sup>378</sup> Title of a poem written by Güner Kaymak for the Battle of Sakarya, a turning point of the Turkish War of Independence. It is colloquially used to describe Turkish nationalism.

*he also has a mother and a father. He also doesn't do military service because of his own will, it is an obligation.*

Eşref Bey from Van, whom we interviewed in Istanbul, believes that among Turks, who joined Gezi Park protests, developed awareness about injustices Kurds were exposed to in the past. This awareness, he thinks, must prompt Turkish people to ask for accountability for the past:

*Alone, just as Kurdish people we cannot succeed. I mean if we leave it there, perhaps a hundred years later it will go away, but in any case Turkish people. With people who live in the region, I mean Turkish, Kurdish, Laz, Circassian, Arab. I mean, only those who are a bit sensitive can do it... No one questioned the past. [They accepted] what is put in front of them, like we say, it's because for ninety years that's how these people were manipulated, how they were told. As I said, for example, they tried in Gezi to understand a bit more... It's because they said 'well, it means that they [Kurds] have been through these things for years and why we didn't say anything?' There were such questions, perhaps too narrow... I mean, still there are ones who don't accept much, there are racist people, but we can't do much about them.... Now, I hope it does not sound like nationalism, I am saying that we should leave the understanding of trying to get acceptance from Turks. They should understand us from now on, they should come to us and tell 'who are you?' ... let's learn some Kurdish,' I mean 'we should listen to you.' Well, we have always listened to them. We should leave the understanding of 'living in each other's pocket'.<sup>379</sup> That is why, if they also try, if they move one step forward, we would take three steps.*

If we think about the call for common political struggle, that many of our interviewees mentioned, together with the calls for peace and a new contract of fraternity or political friendship, we can say that Kurds still have a desire to build a democratic political community with Turks who respond to their call for justice and their concerns. Though some narratives are explaining why this desire is diminishing.

### ***"I have nothing to do with Turks"***

Meryem Hanım, whom we interviewed in Şırnak, utters only one sentence; "*I have nothing to do with Turks,*" telling she has neither hostility against nor expectations from Turks. Whereas Kamil Bey, whom we interviewed in Hakkari,

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<sup>379</sup> Idiom frequently used by Turkish nationalists who argue that there is no Kurdish question and that Kurds and Turks are like sisters/brothers.

explains why he does not expect anything from Turks by accusing them; he says “*I do not have any expectations from Turks. I should use hard words. After all, everything is perpetrated by Turks.*”

Though Rabia Hanım, whom we interviewed in Diyarbakır, says that some Kurds are worse than Turks and gives the example of village guards, she does not make a differentiation between the state and Turks who support the state “bombing” Kurds as well as “postponing” peace:

*I do not believe them. I do not have [any belief] in Turks... They have been talking about peace for how many years, nobody can believe... I swear to God I do not like them [Turks]... They do not like me as well. They do not like Kurds. I do not like them as well. Turks do not like Kurds... Turks do not accept Kurds. We see that, they do not... For how many years they say peace. Peace does not come. Every day they come up with new problems. One cannot trust... Some Kurds are worse than Turks. I swear to God they are worse. Who were the village guards, MIT [National Intelligence Service], were they Turks? They were all Kurds... I did not see any goodness in Turks. We were in the village. They came on us by a helicopter. They air-dropped bombs on us... State made us live that. I do not know whether it was the state or Turks. They were together. Turks do not stop supporting the state.*

Necmettin Bey, interviewed in Van, also accuses Turks of taking part in the crime and of not raising their voices against injustices. On the other hand, he does make a point of saying “*there are also very good Turks*”:

*I swear to God, what Turks can do, Turks do nothing. I mean they do not take on responsibility. They say ‘Anyway, the army of the state of Turkey is on our side.’ They stay at home in peace. It is not important that Kurds are killed. Well, there is no such thing as a Kurd anyway. We hear that in the newspapers and in the media. Some nationalist Turks say ‘there is no such thing as Kurd.’ ... I mean, Turks were never on the side of Kurds. Kurds were on the side of Turks, but Turks were never on the side of Kurds... They should get organized as we do. They should go the streets, [they should say] ‘Do not mess with Kurds.’ They should also get beaten, get gas sprayed on. They should also get that, they should also go to the streets. Well, do they like when they see on TV and in the press that Kurds are beaten? It is very likely they like it. It’s because they do not have any reaction, not a single reaction... Turks are more responsible than the state of Turkey about this issue, mostly coward Turks are responsible. As much as the state of Turkey, Turkish people is also responsible. I mean they are*

*partners in crime. Because when these crimes were committed, no single Turk raised a voice. We also respect Turkish flag now. Our ancestors battled under this flag too, and their lands are taken. If they [Turks] took the flag, organized a public demonstration, said 'please brother, don't kill those people, why do you kill them, what sin did they commit? Find the people who did wrong, find the ones who did those crimes, why you come into the neighbourhoods, take people randomly and kill them.' Turkish people are really like that, they are as responsible as the state of Turkey. I should also mention that in your presence. It's because they did not have any reaction. Nothing, well, some socialists, some intellectuals did something in response to all these incidents, their conscience hurt, but many of them remained silent. Most probably they like all Kurds to be killed... I do not discredit all Turks though. There are also very good Turks.*

Even if Mehdi Bey, whom we interviewed in Batman, says that he knows some “good Turks”, he talks about the silence of the majority; however he feels the need to add that there is a similar problem inside Kurdish society:

*Well, I have seen many good Turks as well, but they are very silent. What I can say, I swear to God, I can describe them as silent society... because major part remains silent... But if all these do not stand up, if they [perpetrators] are not judged, neither Turks will take things easy nor we will. Yet this is also valid for most of the Kurds.*

Azize Hanım, interviewed in Şırnak, looks like she is both hopeless and mistrustful about Turks: “No, I do not have any expectations... They could have asked for our rights, they did not. Well, it never happened that questions ‘who did this to you, who did that, how come this kind of thing can be done?’ were asked... We do not trust [Turks].” Edip Bey whom we interviewed in Van, also says that he does not have any expectations from Turks but adds an exception: “They would not do that. Well, will Turks get up and defend the rights of Kurds? ... I have only seen one that is Sırrı Süreyya Önder... Regardless of whom, a Kurd or a Turk, they should put their hands on their heart. In order to stop that bloodshed... I mean Kurds and Turks should get together and find a solution...” Though Yusuf Bey, whom we interviewed in Şırnak, implies that there is no point in expecting anything from Turks at first, saying that there is no example of the opposite, he also says that he does not identify Turks with the state and he does not think negatively about all the Turks:

*We do not have any expectations from Turks. What kind of an expectation would we have from Turks anyway? I have never heard of a Turk in support of*

*a Kurd until now, I have never seen at all. They can do that only if all people follow their dead ones and the martyrs of their own... if you are telling about a call, I say we want support from all people, Turks, Arabs, everyone in bringing to light that kind of incidents, whatever the matter is... We do not [identify] Turks [with] the state, they are also human like us. We do not have the right to blame all of them... Of course there are some leftist Turks, I mean there are some great people among them as well.*

Cemile Hanım, whom we interviewed in Muş, also tells that she cannot blame all of the Turks: “Today are all the Kurds the same, so that shall we say all the Turks are the same? No, I swear to God, all people cannot be the same... Let’s say one person is a Turk, but he is our brother, or he is a Kurd, but he is their brother... All of them are not the same for sure.” Even if Nurcan Hanım from Batman, whom we interviewed in Istanbul, also thinks that Turks cannot do anything and do nothing, she finds this situation normal. She thinks that as long as they do not talk about politics, having different political opinions is not a problem affecting friendships of people.

*Well, I do not have any expectations from them. Nobody can do anything... They would not do... [one of my friends] is an Alewite for example. Another one is an AKP supporter for instance, but I would not get into conversation about politics with them when this issue of fraternity comes out. You know? My best friend is a Atatürkist... Well, I accepted her like that. She also needs to accept me in my way... I would do nothing against her because she is an Atatürkist, I would not find it odd. I think she would not also do anything against me because I am an Apoist.*

Abdülkerim Bey, whom we interviewed in Muş, thinks that the state has to change first in order to be able to expect anything from Turks:

*I do not think that the peoples of Turkey are sensitive enough, because we only experienced negative attitudes from Turkish people, the people of Turkey, when all these incidents were happening here and all those victims were migrating to the West. Unfortunately there is not a sensitive social structure. That is why the change depends on the initiative of the state in Turkey. Thereby, there is the paradox in question that if states changes society will change, if state does not change, society will not change.*

Sabiha Hanım, interviewed in Batman, indirectly confirms Abdülkerim Bey’s opinion. She says that the Turks that oppress the Kurds were actually oppressed too and she implies that Turks should revolt to break the chains:

*Indeed, there are some people who exist as if to drown the Kurds in a drink of water. I mean, as I know many of those people, I say I do not expect. If only the system changes. I mean you know they say 'we are administered.' If only we are all administered in a right way, if this people is truly enlightened and they give the rights to the people they deserve... Actually if we stand up and revolt, if we did something, state would not be able to act in this way until now... I mean of course Turks are also like that, Turks are also like that. Well, Turks are oppressed, how I can say, they are administered but Turks also oppress Kurds. If only it does not happen in this way, if we were not exploited, oppressed, or if everyone had done something as much as they could, we would not have experienced these conditions.*

As a matter of fact, the vast majority of the interviewees with regard to our questions about their expectations from Turks, stated at first that "they do not have an issue with Turks" and they do not feel any resentment or hatred against them. However, it can be said that they are angry at Turks, because they have not raised their voices against the injustices they experienced and they have not joined their struggle for justice and rights, and, more importantly, they have never tried to listen and understand them. Nurcan Baysal expresses a similar state of emotions that is common in Kurdistan and also their children, together with her own thoughts:

*In every meeting we organize in Diyarbakır our 'superiors' warn us about 'sensibilities of Turkish public' all the time. How about the Kurds, what do the Kurds think? What does it mean to be a child of Aziza Çetin? What does it mean to be a youngster in Hakkari, to be woken up by helicopter noise every day, to watch people discussing how many hours of your inborn right to mother tongue should be given, to be degraded every day by the Turkish public opinion? I think I wish Turks would have tried to learn our feelings and paid attention to our sensibilities at least once... I do not want us to tell them any longer, I want them to hear... I want you to know what it means to be a Kurd, how a Kurdish child grows up.<sup>380</sup>*

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380 Baysal, 2014, p.175-176, 179. Baysal reacts to the fact that there was no significant news in Turkish media about Aziza Çetin, mother of 6 children, who was killed by bomb that hit her house on an air strike on 15th October 2012 in Yüksekova, Hakkari. For details about the incident, see: <http://www.bianet.org/bianet/insan-haklari/141514-kazan-vadisi-ne-giris-cikislar-kapali> [Retrieved 7 December 2014].

### ***Struggle for dignity***

Religiosity seems to be the most important personal heaven that cures that anger, as we mentioned above, especially for the elders. In case of social life, however, one of the most important ways to hold on to life is politicization. In other words, it is the common struggle that paves the way for participation of victims in politics and keeps the social and political dimension of the issue alive. Healing dimension of political struggle with regard to the anger is mentioned in Report on the Process of Resolution by Women's Initiative for Peace:

*Since the beginning of the resolution process women have taken on an active role in preventing the construction of new military bases – a process that has accelerated since the beginning of peace negotiations, in pushing to be able to receive the bodies of PKK fighters who have died during combat, and in the “take a step!” campaigns directed towards the government.<sup>381</sup>*

Participation in the events that are organized by Saturday Mothers/People also means struggle as well as solidarity, especially for the women whose relatives were forcefully disappeared.<sup>382</sup> Nihat Bey, whom we interviewed in Bitlis, narrates the importance of political struggle and solidarity as follows:

*There is anger, hatred against them for sure, but [it is important to think] what directs them to that way... As a result this region belongs to Kurds. It is their natural right to speak and get education in their language. This struggle is carried on for that... I became partners with similar families, families in the same situation. I go and listen to them... Indeed there are those things, such massacres that were carried out in the history, so you forget about yours when you listen about them.*

Hakan Bey, interviewed in Diyarbakır, states that as he sees struggle goes on, the grudge and hatred within himself transform into relief and sense of confidence:

*As if, of course, there was a relief. As if you have grudge, hatred inside. When you go to a demonstration, event, by event I mean an activity, it's as if you feel some kind of relief... It gives confidence... I want those people to be held accountable at least, no matter what the day is. Even if we don't live to see those times.*

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<sup>381</sup> Women's Initiative for Peace Reconciliation Process Report, 2013, p. 34; English, p. 41 [[http://www.peacewomen.org/assets/media/baris\\_kadin\\_ingilizce\\_baski\\_2.pdf](http://www.peacewomen.org/assets/media/baris_kadin_ingilizce_baski_2.pdf) [Retrieved 24 March 2015] .

<sup>382</sup> See: Bozkurt and Kaya, 2014, p. 52-57.

Though Ramazan Bey, interviewed in Şırnak, says that he still feels revenge, resentment, anger, he explains the meaning of these feelings and their impact on political struggle as follows:

*[these feelings] mean asking for accountability for that massacre. That is why I want to be in this struggle. I am very angry, but it is not in the sense of killing or shooting... This puts me into struggle even more. I make efforts so that those horrible events do not happen once again. I tell everyone. Those feelings do not isolate me, they help me be more social.*

Nizamettin Bey, whom we interviewed in Batman, also says that he feels in a similar manner, but according to him, the thing that can ease these feelings, which he describes as impersonal, is the political solution:

*I do not take this personal. They killed thousands of our people. I do not want revenge in terms of killing them. I wish they served their sentences... My brother was killed because he was a Kurd. Kurds getting their rights and struggling for that is like a revenge for me... My brother was killed because he was a Kurd, he was a patriot. I also want to be in the struggle. I am struggling for rights of Kurds more persistently now... I do not breed revenge.*

Abdülselem Bey, whom we interviewed in Mardin, explains his participation in political struggle, his feeling of revenge and his expectation that can ease this feeling:

*[My son's] martyrdom pushed us into the political struggle. After that day I tried to be involved in the party as much as I can... When we say we want to take our revenge, we mean we want to get our revenge from the state. During five days of condolences we were left standing, leaning against the wall, we could neither sit, nor sleep. All those insults, torture, and torture by electrocution awaken feeling of revenge... For us revenge is punishment of that injustice... Truth and justice should be done. That is why we struggle. We participate in the Party activities. To have them give account. To get our rights. Getting our rights is the revenge for us... My feelings are all about the pain I have been through... We are persistent to struggle against all those and demand our rights... Our feelings ease only if our existence is recognized.*

Sabiha Hanım, interviewed in Batman, also tells about the meaning and function of her participation in the Party's activities during her stay in Istanbul:

*If I had not joined the Party, I would have lost that value of my family by falling in bad circles. Then I joined the Party. [Attending] social activities ... was*

*easing [our pain], and it was helping me feel better, in the end these were all our own people, and our own pain. As you understand all the torment and exploitation of Kurds, you get to know yourself better... In the end my father became a martyr, when he was struggling for that cause. Well, if we are his children, we have to live up to his legacy.*

She believes that it is necessary the struggle goes on, even until the Kurdish state is established, for the sake of disclosure and prosecution of perpetrators and the responsible ones: *“Of course this can happen only if Kurdish state is established. It is impossible without the foundation of Kurdish state anyway. If we do not make our existence heard, if we could not make them feel that Kurds are a nation, they cannot make something like that anyway.”*

We have already mentioned above, that when Züleyha Hanım, whom we interviewed in Hakkari, said *“Yes, I want peace. Also for Turks,”* she mainly meant that nobody would die. She had explained the meaning of that peace for herself as the foundation of Kurdistan:

*I want peace... They should give the land of Kurds... They should give their rights. They should give their state... Yes, everyone should live in their own country... Let the part of Kurdistan be established, that part [of Turkey] be separate. Kurds must live freely with their identities... We first want our identity. To live with our identities. To go to a doctor [without having trouble because of our identities]. To do whatever we like. We want our identities.*

Ahmet Bey, whom we interviewed in Şırnak, also thinks that Kurds would not get their rights unless Kurdistan is established. On the other hand, even if Kurdistan is not established, he believes that truths would be disclosed and would have repercussions in Turkish public opinion via peace agreement:

*A free Kurdistan should be established... With the help of God, when a free Kurdistan is established, we will work to advance our rights ... There is no other way. I do not think we can make something better in the state of Turkey... There will be an agreement for sure... A peace agreement. I mean blood cannot be washed by blood... Of course when there are negotiations, I mean when some rights are given to us, state should acknowledge that. When it acknowledges, after all, Turkey, everyone will see... Only then those who do not know will know. Maybe new generations will know that those events happened at that time, these, these, these families had that many losses. Only if there is something like that, the ones who do not know will know.*

There are people who want the foundation of Kurdistan not just to obtain their rights, but they also see it as an important development to give a meaning to their relatives' struggle and murders. We interviewed Ayşe Hanım in Hakkari, whose only wish other than joining her son was as follows: *"I hope they win. I wish I lived in Kurdistan one day. I am an old woman. I have a deep wound because of my son... My son had done a lot."* Cemile Hanım, whom we interviewed in Muş, also narrates a similar request when she was telling what her husband told her before he had been disappeared while in custody:

*Once he came, and told me, 'Wish Kurdistan was established, wish it happened, then I'd live just for a second.' I told him, 'Look Kurdistan is being established, if you live just for a second, who will protect my family?' He told 'then the world will be beautiful, will be free'... It will be beautiful to me too, if our language is free... [state] should give us our language, should give us our identity, then we would be free...I say everyone should be liberated and free. I say everyone should enjoy their rights. All this pain we suffering shouldn't go to waste.*

Bedriye Hanım, whom we interviewed in Batman, also tells that recognition of their rights is the payoff for all the sufferings that they had been through:

*Our rights, our rights, we say our identity, our land... We say our language... State does not give us... We are struggling for the cause of our right. We suffered a lot, we have witnessed deaths. For our rights, our identity, our language, our land, our water, and our Kurdistan... If we see that the state accepts some issues. For instance, if they let our identity, our language free. If they set our prisoners free, our hearts will find relief. Yes, we shed blood, but we gained some things. Then my heart will ease.*

She subsequently expresses her demands and heartfelt wishes when we were leaving:

*You are most welcome... I am so delighted. May God put out this fire. Bring peace. Long live the Kurds and Kurdistan. Long live president Apo. Long live all the prisoners. Long live the guerrillas on the mountains. May God bring peace to those peoples. All should be brothers and sisters. They should hold each other's hands, they should be content with each other.*

Nimet Bey, interviewed in Diyarbakır, feels the need to tell about current conditions of Abdullah Öcalan and the gains of Kurdish movement, before he mentions that living together depends on securing the justice:

*I saw his hair the other day. I forgot about my own suffering, mine is gone. This person took Kurdish people from the depths of pavement, he brought us from thousands of kilometres underground. Now Kurdish movement came to a very good position. There is television channel, there is army, there is press. Today you are interviewing me here... I mean we are in much better situation now, thanks to God, but these are the gains that our heroes brought us. Nobody should take the credit for themselves cheaply. Nobody should say 'I did this'... Well, I say that is the cause. It is passed from a generation to a generation. One tells the other, 'they killed your grandfather like that, they killed your uncle like that'... It passes like that. Until all that sufferings ease, justice is served, law is served. It will never stop. When you have justice and rule of law settled, when you, being scrupulous, satisfy all those victims, then justice will be served and the people will forgive their own country.*

Hevehan Hanım, whom we interviewed in Hakkari, also identifies the struggle for justice with the Party. *"We would not leave this Party. We would not leave [my son's] blood on the ground."* Taha Bey in Diyarbakır also tells about the importance of the Party for the people who lost their relatives:

*I am not a member now, but I go to the demonstrations, or whatever, every event... As a Kurd, I do not care whom they nominates... I do not care. Whether if s/he corrupts, or does not construct the street, does not do municipality thing, collects the garbage, I do not care about anything... As long as I vote [for the Party], they know that I am a Kurd, I mean they know that I exist. Well, it is not that I should go for armed struggle, not killing people... They put a tree there [as the mayor], if they will. It is not my thing. I mean stopping the bloodshed [is important to me].*

When Eşref Bey from Van, whom we interviewed in Istanbul, explains Kurdish people's commitment to Kurdish political movement, he underlines a reality that the state dismisses:

*That movement has made you, I mean embraced you in every sense... If they honoured you, because that is the point Kurds most suffer from. Dishonour... But if some people always embraced you, always honoured you, it has different repercussions... Still it is like that, because you are a part of it. If it had turned away from all of these, this is also a reality, it would not have developed, it wouldn't have grown. Let's say a person, my brother's death. If it did not embrace that, if it did not see that as a part of itself, as I told you, my sister would not have stayed in the Party.*

He thinks that Kurds' demands should be understood and met in line with *pacta sunt servanda*:

*Kurds never betrayed this people. They never turned their back. This is a reality, but they have their demands now. They [Turks] must listen. They must listen whatever it takes. They [Kurds] can ask for independence as well. I mean they can ask it, that is human nature. Well, it would be discussed. What the advantages and disadvantages are. That can be discussed additionally but everything can be solved, then there is also the right of nations to self-determination. They separate or not, as they will, That is another issue to be discussed, but this problem has to be solved, I mean.*

Even if Adem Bey, whom we interviewed in Hakkari, does not see the foundation of Kurdistan as the only way for peace, he underlines that as long as there is discrimination there would not be any peace:

*I do not say that we, the Kurds, should separate right now. I say that we shall fraternally live in peace, if there is peace, we shall live in peace. They should not be cruel to us, at the same time they should not oppress us... It does not matter if we live with Persians here, or with Turks or with Iraqis. All in all we should live fraternally. The rights given to them should be given to me as well. When police check my ID when I go to Istanbul... they must not pull me aside. Or when they read my license plate, they should not stop because it is 'thirty'. They should see me like the ones from Yozgat, Izmir, Ankara, Istanbul... They must not treat me with prejudice.*

Although İrfan Bey, whom we also interviewed in Hakkari, does not mention any demand about the foundation of Kurdistan, he tells that they will not trust the state in case that Abdullah Öcalan and other political prisoners are not released:

*Abdullah Öcalan says that 'release KCK [prisoners], open doors of the prisons.' Is it so hard? They can open, but they do not open. For example, we say that 'empty the prison, release Abdullah Öcalan, if you do not release him, it cannot go on.'... [then] we trust, even if it is a little, we would trust a bit... For example I say, they meet with Abdullah Öcalan, then the next day they carry out an operation. For example, in Istanbul they are holding thousands of people captured. That is why we do not trust. For example, now, they put thousands, mayors, chairpersons into prisons. If a person advocates for their language, is it so hard? I mean how can I say, world tries to help, but Turkey does not help.*

Ekrem Bey, whom we interviewed in Muş, mentions different injustices that took place during KCK arrests when telling about the demand for the release of prisoners:

*Even now there are many Kurdish intellectuals imprisoned. If they tell me to go to university now, I would prefer to go to a prison and get educated. It's because most of intelligentsia are imprisoned. Why aren't they amnestied? And they did not commit any murder. They have been imprisoned only because of their luminary thoughts for fifty years, sixty years, despite the fact that they are coping with many terminal diseases.*

Abdülkerim Bey, whom we interviewed in Muş, is one of the few persons who bring forward the thought of living together:

*In the end, no matter how much suffering had been experienced, we are doomed to live with each other. We need each other. We have to live together. We have to tolerate each other with all our differences. If we do not, OK, it is impossible to forget but, stop making all our pain the milestone of our relations, we cannot live together. If we are going to live together in this land, we have to bury our pains deep in our hearts, even if they cannot be forgotten.*

Taking also Abdülkerim Bey's previous words into account, we should remind that his primary condition for living together was the acknowledgement of truths. Without an official declaration made from within a moral and political perspective and public recognition acknowledging the injustice victims were exposed to as unacceptable, it becomes difficult for victims to see the state of Turkey as their own state and Turks, leave aside sisters/brothers, as fellow citizens. It is enough to remember personal experiences in order to understand this issue. In such relationships that our honour and dignity are tarnished, we also lose our sense of belonging and when that loss is irreversible, only loneliness and desolation remain. Moreover, if we experience this loss together with other community members who share our cultural and social identity, the honour and dignity that we demand to be restored becomes a subject of a political but not personal demand. That demand also means the struggle against a cheap political reconciliation. It is not possible to reconcile with each other without reconciling with the fact that the past was unjust and dishonourable, in other words, without reconciling with the past.

### ***One more chance***

Of course all these comments, even the expressions of the people we inter-

viewed, do not completely reflect the thoughts of all the Kurds, not even all the people we interviewed. What a victim said in a study about forced migration also determines the boundaries of our study:

You will reflect their words and they will tell you what they want you to hear. If you are interviewing me and I want others to hear my voice, I want as much as possible, to make “you to be the voice that I want to be heard.” But you can never be “the voice of the victim.” Even if you can be medium, it is not voice of the victim. Their own language is different, but the language they use when talking to you is quite different.<sup>383</sup>

It will never be possible to hear victim’s voice, but it is not impossible to hear and understand what they want to be heard. In this respect, it can be a proper effort to understand emotional and ideational worlds of our interviewees, before drawing political and social conclusions about the interviews we made with people whose relatives were killed or disappeared during the war in Kurdistan in the 90s. As we mentioned before, question of “why” is at the centre of victimized families’ lives and victims find themselves in a universe of hopeless uncertainty and insecurity as long as the answer to this question cannot be given. This universe is the one reigned by the feeling that all atrocities can repeat and future lives cannot be controlled. Answers that they try to find themselves for the question of “why” are much more harsh, hopeless, and irreconcilable than the possible truths. As pains stiffen, answers tend to create another truth as well. Injustice they experienced transforms into a new normality, a natural part of their identity, a cultural heritage that will be transmitted from one generation to another. There is resentment at the end of this transformation.

What slows down this transformation into resentment and its evolution into vexation, in other words, the thing that prevents resentment against the state from being redirected at Turks, is legal, social and political struggle which is a matter of life and death for them. The legal struggle at stake corresponds to the demand for the prosecution and punishment of perpetrators and the responsible ones, which is the basic measure of retributive justice in the post-conflict period. Bringing lawsuits, bringing perpetrators and the responsible ones up for trial, their interrogation by lawyers, prosecutors and judges constitute a process that victims insist on witnessing personally. As long as it proceeds, this process both personally and politically empowers

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<sup>383</sup> Yağız, Amca, Erdoğan and Saydam, 2012, p.204.

and also convinces them that they start to regain control of their own lives. Aysel Hanım, whom we interviewed in Muş, was present at the court hearing of the perpetrators that killed her family. What she says reveals that the court process satisfied her, at least partially:

*... may God bless them, they [lawyers] had come. A few, ten lawyers had come. They asked them very good questions. I mean, as they had come, it went very well... They asked them very good questions. They gave many different answers... Well, I do not really know, but I understood, all of them were there [at the crime scene], they knew everything, they did all... Prosecutor [had made a demand of] nine aggravated life sentences for them. Court had not given decision yet, but, I mean, [it is good to see that] they are brought to the court under arrest.*

Even if legal proceedings cannot fully ease the pain of victims, they are important in easing sense of injustice, emotions of resentment and revenge, state of loneliness and desolation, and in compensating for the loss of dignity and honour. On the other hand, this phase cannot be over without recognizing that pain will never fade away. This kind of recognition does not render the efforts vain or make striving unnecessary, to the contrary, it is the only thing that leads us to strive more and that saves us from the arrogance of forcing the victims to move on, to forget the pain, to reconcile with the past. This kind of recognition is also a step demonstrating that we understand their refusal to reconcile and forget also in order to remain loyal to their lost relatives and to own their struggles, in other words, it shows that we share their mourning. Another aspect of this step is to understand that the choice to remain silent, to stay mum, not to respond is another intervention, another voice or a political message of its own rather than an withdrawal, disengagement from life, pursuit of justice, and politics. Taking into consideration that the victims have fundamental human and citizenship rights as well as personal and social needs and expectations, we should also reason about the restorative justice mechanisms that will move and complement legal processes, the basis of retributive justice approach, which some do not find sufficient or important and most people cannot reach yet. Moreover, even if we assume that retributive justice mechanisms will perfectly operate one day, it will always be necessary for building political friendship or renewing the contract of fraternity to give a possibility to witnesses, who bear the responsibility for being silent to all those injustices and who are not eligible to sit in the dock, to participate in the restorative justice process.

First of all, crimes against a certain cultural community carry in consequence a political character and those crimes must be named as crimes against humanity. Especially, when those crimes are personally committed by public officers, everyone who was made by the state, with the approval of other citizens, “available” to be killed or disappeared become stripped off their citizenship. In such situation it seems understandable that the victims are in search for a new state, new citizenship status and new citizens. As long as the existing state and citizens do not demonstrate any intention to restore their relations with those who were exposed to the crimes against humanity, this search continues. As it has already been stated above, prosecution and punishment of perpetrators and the responsible ones is a significant indicator of that intention in terms of revoking unjust privilege and financial gains they obtained. Even if they did not personally partook in the crimes in question, dismissal of the political, administrative and military authorities of that period is a similar indicator. The impunity which corresponds to the continuous gratification of perpetrators and the responsible ones, is seen as a sign of continuous punishment of the victims. The most significant conclusion of our interviews, precisely due to the existence of such signs, points to expanding distance between Kurds and the Turkish State. Measures that can be taken to stop this distance growing, despite malfunctioning legal processes, and spreading to Turkish-Kurdish relations are also directly or indirectly mentioned by our interviewees.

As we have mentioned earlier, the most important one is the acknowledgment that victims are the Kurds who either because of their political and cultural identity or political struggle were killed, imprisoned, tortured and disappeared by the state and paramilitary organizations as a result of a war conducted with a certain political ideology and systematic extraordinary and arbitrary practices, and that that is unacceptable. This acknowledgment seems to be the most critical step towards balancing social and political inequality and restoring dignity and honour of Kurdish people. Since they experienced injustice due to being Kurdish, there is a need for positive discrimination that they can benefit from due to being Kurdish. Only then, it will be possible to come together on the grounds of equal citizenship and shared humanity, even political friendship. Material reparations program that would accompany this acknowledgement would be a partial measure implemented in order not only to compensate for the losses, but also not to deepen existing economic inequality. We must take into account a truth conveyed by Baysal: “There is so much anger and trauma accumulated in the children of the re-

gion that they are looking for a place to unload their anger and grudge. They scratch cars, take apart pavements, pluck flowers, they are angry at everybody and everything that has a better life.”<sup>384</sup> On the other hand, let’s remind that such material reparations that are not accompanied by apology and official commemoration ceremonies, public declarations are assessed as unacceptable and pointless. Another positive outcome of all these measures and acknowledgement will be prevention of the collectivization of guilt, in other words, prevention of blaming all the Turks for the past. We cannot say that there is already such a tendency among interviewees, however, it is clear that they feel anger, resentment, vexation against Turks.

Above mentioned tendency is not yet manifested partly because of Kurdish movement, which should be given credit for that. Turks and the state should recognize the legitimacy and function of Kurdish movement as much as Kurds who avoided destructive situations in psychological and social terms and survived the process not just as victims but also political actors by participating in political and social struggle organized by Kurdish movement. Like Göral says:

*Kurdish movement has taken many steps and made efforts to create new experience towards decolonization ranging from discussions about democratic autonomy to the focus on the capacity for ‘self-governance’, from constructing a strong women movement to the call for establishing different relations with nature, from the claim of creating a new ‘moral-political society’ to the effort of building different solidarity, resistance and daily life relations, from creating a new political language and action repertoire to producing activities for mobilizing massive social groups. That peace or resolution negotiations, whatever we call it, provoke, increase and diversify these kinds of efforts will deepen the quality and the sphere of influence of the negotiations.*<sup>385</sup>

In this sense, it would be proper if the state carries out all kinds of relations it enters with Abdullah Öcalan, Kurdish movement, political parties and civil society organizations with an awareness that these relations are part of an attempt to make public the above mentioned legitimacy. There is a story in Baysal’s book explaining why Abdullah Öcalan’s release plays such an important role in the compensation for pains that seem personal. Wise Men/ People Commission during a visit to Kavar, asked a woman, whose husband was killed, about her expectations from the state and she replied that “first,

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<sup>384</sup> Baysal, 2014, p.179

<sup>385</sup> Göral, 2014, p.8.

Öcalan's freedom, then our language and identity." Then one of the members of the commission asked her "what's the connection of this with what you've been through?" The woman's response is a summary of what we have been trying to explain here:

*I'm asking myself the same question for twenty years. Why did they do this to my husband? 'ÇİMA? ÇİMA?'... In fact there is no answer to WHY question... I know that there is no answer to WHY question... My husband died for a cause, died for us, died for Kurdish people... This is an insult to us... They INSULTED us, INSULTED us.*

Baysal, explains how much she heard the word insult from the people of Kavar and what it means: "It was a manifestation that Kurds first and foremost see the cruelty they were exposed to during years of war as a 'matter of honour.' Kurdish issue was a matter of Kurdishness, now Kurdishness is a matter of honour."<sup>386</sup> Like each case of the matter of honour, approaching the matter of Kurdishness requires care. This care requires the appropriation of the struggle for dignity of the Kurds and the recognition of the political struggle that a considerable part of the Kurdish people participated in and accepted as their representative. Acknowledgement, recognition, measures and care discussed above, in other words, "coming to terms with the past," is not a necessity, for neither Turks nor Kurds; it is at best a chance, one more chance for the possibility of living together.

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386 Baysal, 2014, p.309-310.

## **Evaluation and Recommendations**

Studies based on post-conflict justice and primarily coming to terms with the past inevitably gain importance in Turkey advancing from cease fire to resolution process, from resolution to peace process, from meetings to negotiations. In the first chapters we have discussed social, political and legal instruments and mechanisms of such efforts along with examples from different parts of the world. Keeping in mind that all these mechanisms and instruments are interconnected and must be implemented at the same time, we would like to once again list them, but in Turkish context:

### ***Truth telling and acknowledgment***

First and foremost, the truth about crimes against humanity committed by official state forces and paramilitary organizations must be disclosed and acknowledged. The crimes committed in Kurdistan in the 90s must be acknowledged and named as crimes against humanity as well as official/unofficial structures the perpetrators and responsible ones worked for must be exposed. Putting flesh on the abstract and remote responsible ones called by victims as the “system” can both ease the pain of the victims and prevent re-occurrence of the past by creating awareness among the public.

The most important demand of the families of the disappeared ones is to retrieve bodies of their relatives to be able to provide proper burial. It is both a part of the demand for the exposal of truths, i.e., the right to truth and an important step towards completing the process of mourning. Mass graves must be exhumed delicately and under supervision and of experts, anthropologists, archaeologists, forensic medicine institutions, representatives of the law and observers. Samples collected from the graves must be available for matching through a DNA-bank that the relatives of the disappeared could apply to. It is of utmost importance to take necessary measures to allow the families to rebury their relatives and to organize burial ceremonies in accordance with their traditions.

### ***Prosecution of the perpetrators and the responsible ones***

Prosecution and punishment of the perpetrators and responsible ones for these crimes is one of the most difficult, but the most essential measures. Despite great inefficiency and inadequacy, recent prosecutions in Turkey are positive developments. However, problems with moving court hearings to

locations beyond reach for the victims on the ground of defendants' safety, nonappearance of the defendants in the courts as well as the atmosphere in the court that allows the defendants to intimidate the victims impede any significant results of these positive developments.

### ***Exposure and dismissal of the responsible ones and the authorities***

In order to develop a sense of justice those members of political, administrative and military authorities of that period who are still in office must be discharged and the unjust profits and statuses they have continued to enjoy must be divested. High level political, administrative and military officials no longer in office must be exposed like in the database of Truth Justice Memory Centre. This can also become one of the safeguards against re-occurrence of the past.<sup>387</sup>

### ***Establishment of an Official Truth Commission***

Although it does not seem feasible in the near future of Turkey, establishment of an official truth commission open to intervention of the civil society organizations and victims of that period is an important step in the process of coming to terms with the past. On the other hand, Wise People Committee and Resolution Process Commission created in the Grand National Assembly of Turkey can be seen as developments constitutive for the future truth commission. Considering the existing Commission and its sources of information i.e. Saturday Mothers, Peace Mothers, Women's Initiative for Peace and Truth Justice Memory Centre invited by Peace and Democracy Party, we can say that such entities at least can be used as instruments to raise public awareness.<sup>388</sup> Furthermore, Diyarbakır Prison Truth and Justice Commission and similar unofficial truth studies are examples of efforts that prepare the ground for and facilitate work of the future truth commission.

### ***Payment of the material reparations and provision of social services***

Determination of the victims' material and nonmaterial damages and reimbursement in form of material reparations besides provision of health care, shelter and educational opportunities to meet psychological and social needs of the victims, are measures that do not require grand political decisions. On the other hand, it is important to prevent the perception of future payments

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387 See: <http://www.zorlakaybetmeler.org/politicians.php> [Retrieved 8 December 2014]

388 See: Women's Initiative for Peace Report on Resolution Process, 2013, p.14-15.

and services as “blood money” or “charity.” Seeking the support and knowledge of local organizations for to that end is a way to be pursued for both practical and political reasons.

### ***Official apology statements***

An official apology acknowledging victims’ pain and patience and requesting permission to join their mourning, including safeguards against re-occurrence of the past, apart from being an important political gesture on its own, can also be a step moderating possible disruptions in the peace process. Formal apology with all its deficiencies and flaws, like in cases of Chile, Germany, the USA, England, Bulgaria, Australia or Serbia, may avert Turkey’s fears and old anxieties.

### ***Official support for memorialisation work***

Memorialisation works to show respect for victims’ memories, i.e. transformation of the spaces where crimes against humanity were committed into collective memory spaces and museums have already started in Istanbul and Diyarbakır and spread to other cities around Turkey.<sup>389</sup> However, these endeavours may evolve into re-victimization of the victims because of that the municipalities and organizations conducting these endeavours were taken to court for praising crimes (defiance to the state) and their perpetrators (opponents), and because some of the materials and documents of symbolic value were not delivered to these actors, and that in some instances local and central authorities physically and politically intervened into the process.

For all of the above mentioned efforts to have “an effect of partial decolonization by breaking the political mechanics based on the supremacy of Turkishness,” in other words, to be legitimately carried out, there is a need for a strong political will and new mentality of the state.<sup>390</sup> To create societal intention and common sense that would keep that political will strong is a task of civil actors which are determined to transform political culture into a democratic one. As Göral states:

*Nowhere in the world there are or will be peace or negotiation processes that would be taken as examples, that would take a straight line, or that would create ideal results. Everywhere in the world there are states that had to par-*

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389 See: <http://www.memorializeturkey.com/tr/> [Retrieved 8 December 2014]

390 Göral, 2014, p.5.

*tially deliver on the demands after enormous efforts of the people struggling to realise tangible demands for rights, to hold the perpetrators accountable, to expand narrow spaces opened up by political peace, transitional or negotiation processes.*<sup>391</sup>

To coerce the State of Turkey and public opinion into political peace is too much of an overwhelming task to burden only the victims. Moreover, for the desire to live together to be more than just a wish, it is necessary to take responsibility. The easiest and most humane step to take this responsibility is to listen to the victims. This is also the purpose of this study, to be a source for those who would one day want to take that step.

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391 Cöral, 2014, p.8.

## Appendix

### **List of Truth Commissions<sup>392</sup>**

- (1981) Cyprus: *Truth Committee* on Missing Persons in *Cyprus*<sup>393</sup>
- (1982) Bolivia: National Commission of Inquiry into Disappearances<sup>394</sup>
- (1983) Argentina: National *Commission* on the Disappearance of Persons<sup>395</sup>
- (1985; 2000) Uruguay: The Commission for the Investigation of the Situation of the Disappeared and Related Events; Commission for Peace<sup>396</sup>
- (1985) Zimbabwe: Commission of Inquiry<sup>397</sup>
- (1986) Uganda: Commission of Inquiry into Violations of Human Rights<sup>398</sup>
- (1986) The Philippines: The Presidential Committee on Human Rights<sup>399</sup>
- (1990) Nepal: Commission of Inquiry to Locate the Persons Disappeared during the Panchayat Period<sup>400</sup>
- (1990; 2003) Chile: National *Truth* and Reconciliation *Commission* (Rettig Re-

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392 This list was compiled based on lists of Amnesty International (<http://www.amnesty.org/en/international-justice/issues/truth-commissions>), United States Institute of Peace (<http://www.usip.org/category/publications/truth-commission>) and a list in Hayner's book (2011).

393 <http://www.cmp-cyprus.org/> Commission under patronage of the United Nations established an understanding between communities of Turkish and Greek Cypriots.

394 <http://www.justiceinperspective.org.za/south-a-central-america/bolivia/national-commission-of-inquiry-into-disappearances.html>

395 [http://www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain\\_000.htm](http://www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain_000.htm).

A study that started with the investigation into whereabouts of the disappeared and identified perpetrators and secret detention centres resulted in a report *Nunca Más*. The report is known to have made it impossible to deny crimes committed during period of dictatorship and to create "public truth." See: Crenzel, 2008; Sancar, 2010, p. 217-226.

396 <http://www.trial-ch.org/en/resources/truth-commissions/america/uruguay.html>

397 This commission has not published a report. For more on Zimbabwe see: Du Plessis, 2002.

398 <http://www.trial-ch.org/en/resources/truth-commissions/africa/uganda.html>

399 <http://www.asiapacificforum.net/about/annual-meetings/12th-australia-2007/downloads/reports-from-apf-members/Philippines.pdf>

400 The Commission published in 1994 a two part report pertaining to 100 cases, however, as a result of resignation of two members of the Commission, investigation ended inconclusively.

(see: [http://www.ncf.org.np/upload/files/782\\_en\\_World%20experiences%20of%20TRC-Commissions.pdf](http://www.ncf.org.np/upload/files/782_en_World%20experiences%20of%20TRC-Commissions.pdf)). For more on transitional justice period in Nepal see: Robins, 2011.

port); The National Commission on Political Imprisonment and Torture Report (Valech Report)<sup>401</sup>

(1990) Rwanda: International Commission of Investigation on Human Rights Violations<sup>402</sup>

(1991) Chad: The Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President *Habré, His Accomplices and/or Accessories*<sup>403</sup>

(1992) Germany: Study Commission for Working Through the History and the Consequence of the SED (Socialist Unity Party) Dictatorship in Germany<sup>404</sup>

(1992) El Salvador: Commission on the Truth for *El Salvador*<sup>405</sup>

(1993) Ethiopia: Research Commission<sup>406</sup>

(1994) Sri Lanka: Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons<sup>407</sup>

(1995) Haiti: National Truth and Justice Commission<sup>408</sup>

(1992; 1993; 1995) South Africa: Commission of Enquiry into Complaints by Former African National Congress Prisoners and Detainees (The Skweyiya Commission); Commission of Enquiry into Certain Allegations of Cruelty and Human Rights Abuses Against ANC Prisoners and Detainees by ANC Members (The Motsuenyane Commission); The *Truth and Reconciliation Commission*<sup>409</sup>

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401 <http://www.hpcrresearch.org/mrf-database/mission.php?id=57>; Sancar, 2010, 226-241.

402 <http://www.hrw.org/sites/default/files/reports/intlhrviolations393.pdf>

403 See: Hayner, 1994, p. 623-625.

404 See: Stan, 2009, p. 4-5.

405 <http://www.hrw.org/reports/pdfs/e/elsalvdr/elsalv938.pdf>

406 See: Hayner, 1994, p. 634-635.

407 <http://www.usip.org/publications/commissions-of-inquiry-sri-lanka>

408 <http://www.usip.org/publications/truth-commission-haiti>

409 According to Freeman, history of truth commissions can be divided into two periods: before and after South African experience. The experience of South Africa in which a direct relation between reconciliation and narratives of witnesses, victims and perpetrators was established, changed truth commissions' approach toward restoration (2006, p. 26). On the other hand, Lundy and McGovern state that it is impossible not to notice that some "truths" told to the Commission by victims and their relatives were inspired by Christian spirit of "reconciliation" and "nation-building fantasy" (2008, p.271) For more on the work of the Commission and final report see: <http://www.justice.gov.za/Trc/> For more on Commission's ritualistic characteristics and general principles see: Borraine 2005.

- (1995) Burundi: International Commission of Inquiry for Burundi<sup>410</sup>
- (1996; 2007) Ecuador: Truth and Justice Commission; Truth Commission to Impede Impunity<sup>411</sup>
- (1997) Guatemala: Commission for Historical Clarification<sup>412</sup>
- (1998) Estonia: Estonian International Commission for the Investigation of Crimes Against Humanity<sup>413</sup>
- (1998) Latvia: *The Commission of the Historians of Latvia*<sup>414</sup>
- (1998) Lithuania: The International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in *Lithuania*<sup>415</sup>
- (1998) Poland: *Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation*<sup>416</sup>
- (1999) Nigeria: Human Rights Violations Investigation Commission<sup>417</sup>
- (2000) South Korea: *Presidential Truth Commission on Suspicious Deaths*<sup>418</sup>
- (2001)/ (2002) Former Yugoslavia/Serbia and Montenegro: Truth and Reconciliation Commission for Serbia and Montenegro<sup>419</sup>
- (2001) Grenada: *The Grenada Truth and Reconciliation Commission*<sup>420</sup>
- (2001) Panama: *Panama Truth Commission*<sup>421</sup>
- (2001) Peru: Truth and Reconciliation Commission<sup>422</sup>

410 <http://www.usip.org/publications/commission-of-inquiry-burundi>

411 <http://www.usip.org/publications/truth-commission-ecuador-96>; <http://www.usip.org/publications/truth-commission-ecuador-07>.

412 <http://www.usip.org/publications/truth-commission-guatemala>; For more on feminist approach towards transitional justice period in Guatemala see: Patterson-Markowitz, Oglesby and Marston, 2012.

413 <http://www.historycommission.ee/>

414 <http://pra.vip.lv/komisija.htm>

415 <http://www.komisija.lt/en/>

416 <http://ipn.gov.pl/en>

417 <http://www.nigerianmuse.com/nigeriawatch/oputa/>

418 <http://www.pucl.org/reports/International/southkorea.htm>

419 <http://www.usip.org/publications/truth-commission-serbia-and-montenegro>; Ilic, 2004.

420 <http://www.thegrenadarevolutiononline.com/trccontents.html>

421 <http://www.usip.org/publications/truth-commission-panama>

422 <http://www.cverdad.org.pe/ingles/pagina01.php>

(2002) East Timor: *Commission for Reception, Truth, and Reconciliation*<sup>423</sup>

(2002) Ghana: *National Reconciliation Commission*<sup>424</sup>

(2002) Sierra Leone: *Sierra Leone Truth and Reconciliation Commission*<sup>425</sup>

(2003) Algeria: *Commission of Inquiry: Ad Hoc Inquiry Commission in Charge of the Question of Disappearances*<sup>426</sup>

(2004) Democratic Republic of Congo: *Truth and Reconciliation Commission*<sup>427</sup>

(2004) Indonesia: *Truth and Reconciliation Commission*<sup>428</sup>

(2004) Morocco: *Equity and Reconciliation Commission*<sup>429</sup>

(2004) Greensboro, North Carolina, United States of America: *Truth and Reconciliation Commission*<sup>430</sup>

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423 <http://www.cavr-timorleste.org>.

The "reception" mission of the Commission refers to the return from West Timor (Indonesia) of approximately 85 thousand refugees who were deported or displaced during violence of 1999. The final report of the Commission titled "Enough!" ("*Chega!*") states that this mission was not accomplished. The commission is known to have taken a narrow and superficial approach in legal and political terms with regard to rapists and women raped in the camps in West Timor (See: Rimmer, 2010).

424 [http://www.ictj.org/sites/default/files/ICTJ-Ghana-Reconciliation-Commission-2006-English\\_o.pdf](http://www.ictj.org/sites/default/files/ICTJ-Ghana-Reconciliation-Commission-2006-English_o.pdf)

425 <http://www.sierra-leone.org/TRCDocuments.html>. Park (2010, 106),

The Commission's approach that took into account women, young girls, children, the injured and combatants as main addressees along with its focus on justice and leaving reconciliation to the people, shows that by means of society-based restorative justice it was possible to fill in the gaps created during the works of the Commission and the Special Court for Sierra Leone. Millar (2010) says that while educated elites who have internalized West-oriented notions of truth, justice and reconciliation positively evaluate work of the Commission, indigenous population and the victims find Commission's work unsatisfactory. He further criticizes the Truth Commission for only taking into account psychological recovery and disregarding truth telling, victims' needs, laws, rituals and symbols of the local culture.

426 <http://www.usip.org/publications/commission-of-inquiry-algeria>; <http://www.amnesty.org/en/international-justice/issues/truth-commissions>

427 <http://www.usip.org/publications/truth-commission-democratic-republic-of-congo>

428 <http://hrli.alrc.net/mainfile.php/indonleg/131/>

429 <http://ier.ma>; <http://www.ictj.org/publications?keys=morocco&tid%5B%5D=81&language%5B%5D=en>

430 <http://www.greensborotrc.org>.

The Commission was established to investigate Greensboro massacre. On 3 November 1979 members of the Ku Klux Klan and the American Nazi Party killed members of the local community during a rally against the Klan.

Bickford examines work of the commission as an unofficial truth project (2007, p. 1016-1018).

- (2004) Paraguay: Truth and Justice Commission <sup>431</sup>
- (2005) Indonesia and East Timor: Commission on Truth and Friendship <sup>432</sup>
- (2006) Liberia: *Truth and Reconciliation Commission* <sup>433</sup>
- (2006) Romania: Presidential *Commission* for the Study of the Communist *Dictatorship in Romania* <sup>434</sup>
- (2009) Canada: *Truth and Reconciliation Commission* <sup>435</sup>
- (2009) Kenya: Truth, Justice, and Reconciliation Commission <sup>436</sup>
- (2009) Mauritius: Truth and Justice Commission <sup>437</sup>
- (2009) Solomon Islands: Truth and Reconciliation Commission <sup>438</sup>
- (2009) Togo: *Truth, Justice and Reconciliation Commission* <sup>439</sup>
- (2010) Honduras: *Truth and Reconciliation Commission* <sup>440</sup>
- (2011) *Cote d'Ivoire: Dialogue, Truth and Reconciliation Commission* <sup>441</sup>

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431 <http://www.usip.org/publications/truth-commission-paraguay>;  
<http://www.codehupy.org/>

432 <http://wscs.berkeley.edu/east-timor/east-timor-truth-commission/>

433 <http://trcofliberia.org/about/trc-mandate>. What distinguishes this Commission from similar efforts is inclusion of the diaspora in the peace process as the Commission collected testimonies from victims residing in West African countries (Ghana, Guinea, Nigeria, and Sierra Leone), the UK and the USA and held open hearings in the USA (See: Harris Rimmer, 2010, p. 164). Harris Rimmer criticizes truth commissions for addressing only victims within borders of a given country and excluding from the peace process the forcibly displaced and refugees.

434 See: Stan, 2009, p.7-8.

435 The Commission was established to examine ill-treatment of the indigenous population.  
<http://www.trc.ca/websites/trcinstitution/index.php?p=3>

436 <http://www.tjrkenya.org/>

437 <http://www.usip.org/publications/truth-commission-mauritius>

438 <http://ictj.org/publication/confronting-past-better-solomon-islands#.UoMUgvmrEiN>

439 <http://cvjr-togo.org/fr/index.html>

440 <http://www.usip.org/publications/truth-commission-honduras-2010>

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This is one of the studies of “coming to terms with the past”, which tries to give ear to the feelings, thoughts, demands of the victims, who were addressed by crimes against humanity, who were exposed to the violence of states; and to convey these feelings, thoughts and demands to the states at stake and to those who remained silent when those crimes were committed.

We bring together the narratives of those victims of state violence in Kurdistan in the 90s with the narratives of those who suffer similar pains in other parts of the world as well as with the political and philosophical narratives produced for similar situations concerning justice, mourning, forgiveness, resentment and political friendship. We bear testimony that those who were colonized, impoverished, silenced, displaced and whose relatives were “wiped out” give a gift – composed of values, words, and politics they produced in struggle and persistently keep alive – to those people, lives and sciences that did not experience and hear of oppression. A gift to enable the latter to “come to terms with the past”.

This testimony cannot be afforded without acknowledging that the pain cannot be told and it will never fade away. This kind of acknowledge also requires us to take into consideration that the victims have personal and social needs and expectations as well as fundamental human and citizenship rights, and to reason about the restorative justice mechanisms that will move and complement legal processes, the basis of retributive justice approach, which some do not find sufficient or important and most people cannot reach yet. Moreover, even if we assume that retributive justice mechanisms will perfectly operate one day, it will always be necessary for building political friendship or renewing the contract of fraternity to give a possibility to witnesses, who have the responsibility of being silent to all those injustices and who are not eligible to sit in the dock, to participate in the restorative justice process.

For the very reason, we strived to give ear to interviewees’ quest for justice reflected in their expectations from the state; their demands for the prosecution and punishment of perpetrators and the responsible ones; their objections to impunity, material reparation and plea-bargain; their views on disclosure and acknowledgment of truths, public apology, and finally their state of “demandlessness”. We made an effort to understand their opinions with regard to the possibility of their confrontation with perpetrators and the responsible ones, the possibility for them to forgive and give their blessings, their expectations from Turks in terms of the likelihood of a new contract of fraternity/political friendship and the struggle for dignity they give. Now we try to convey them to you.

“Coming to terms with the past” is not a necessity, for neither Turks nor Kurds; it is at best a chance, one more chance for the possibility of living together.